

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2004**

ROCHESTER, NEW YORK

Officials 2004

William A. Johnson, Jr.
Mayor

Jeffrey T. Carlson
Deputy Mayor

Marisol O. Lopez
Chief of Staff

Wendell L. Bellamy
Director of Human Resource Management

Vincent J. Carfagna
Director of Finance

Edward J. Doherty
Commissioner of Environmental Services

Carol J. Joyce⁽¹⁾
Interim Library Director

R. Fashun Ku
Commissioner of Economic Development

John M. Merklinger
Director of Emergency Communications

Loretta C. Scott
Commissioner of Parks, Recreation & Human Services

Richard W. Hannon
Assistant to the Mayor

William J. Ansbrow
Director of Budget & Efficiency

Bridgette Burch White
Director of Communications

Rodric C. Cox-Cooper
Neighborhood Empowerment Team Director

Robert J. Duffy
Police Chief

Linda S. Kingsley
Corporation Counsel

Floyd A. Madison
Fire Chief

Carol Nersinger⁽²⁾
Library Director

Linda M. Stango
Commissioner of Community Development

(1) Last day as Interim Library Director, May 23, 2004.

(2) Effective May 24, 2004.

Members of Council

2004

Members	Residence
Lois J. Giess President, Councilmember, East District	15 East Boulevard, 14610
Gladys Santiago Vice President, Councilmember-at-Large	1850 Culver Road, 14609
Brian F. Curran..... Councilmember-at-Large	56 Elmwood Avenue, 14611
Benjamin L. Douglas Councilmember, Northeast District	135 Rutledge Drive, 14621
Tim O. Mains Councilmember-at-Large	10 The Highlands, 14622
Adam C. McFadden Councilmember, South District	74 Marlborough Road, 14619
Wade S. Norwood Councilmember-at-Large	74 Appleton Street, 14611
William F. Pritchard Councilmember-at-Large	250 Rosedale Street, 14620
Robert J. Stevenson..... Councilmember, Northwest District	77 Albemarle Street, 14613

City Clerk's Office

2004

Carolee A. Conklin..... City Clerk

Daniel B. Karin Deputy City Clerk

Georgia S. DeBever Senior Legislative Assistant

Birth A. Manigault Legislative Assistant

Rebecca M. McNamara Legislative Assistant

Bernard J. Christopher Legislative Aide Part-time

Candice A. Bianchi Clerk III

Michael Ann Flynn Clerk III

Betsy P. Indivino Receptionist

Dorothy A. Sullivan Legislative Clerk Part-time

Carol A. Supernault..... Legislative Clerk Part-time

Standing Committees of The City Council 2004

Finance and Public Safety
Douglas, Curran, Stevenson

Housing and Economic Development
Norwood, McFadden, Pritchard

Parks, Public Works, and the Environment
Stevenson, Curran, McFadden

Public Services and the Arts
Mains, Douglas, Pritchard

The first Councilmember named after
the designation of the Committee is
Chair thereof.

Regular Meetings of the Council - Regular meetings shall be held at 8:00 p.m. in the Council Chamber, Room 302-A, City Hall.

Special Meetings - Special meetings may be called at any time by the Mayor or President of Council or any three Councilmembers.

ORGANIZATION MEETING
JANUARY 2, 2004
4:30 P.M.

Resolution No. 2004-4

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

By Councilmember Norwood

Resolution No. 2004-1

Resolution For The Nomination And Selection Of A President For The Rochester City Council

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester nominates and selects Lois J. Giess as President for the years 2004-05.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Stevenson

Resolution No. 2004-2

Resolution For The Nomination And Selection Of A Vice President For The Rochester City Council

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester nominates and selects Gladys Santiago as Vice President for the years 2004-05.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Pritchard

Resolution No. 2004-3

Resolution For The Selection And Appointment Of The City Clerk

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester hereby selects and appoints Carolee A. Conklin as the City Clerk for the years 2004-05.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Curran

Resolution Adopting The Rules Of Council

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby adopts the following Rules of Council, for the years 2004-05.

I. REGULAR MEETINGS - Regular meetings of the Council of the City of Rochester shall be held in the Council Chambers, City Hall, at 8:00 P.M., on the following dates in 2004:

- January 27
- February 24
- March 23
- April 20
- May 18
- June 22
- July 27
- August 24
- September 28
- October 26
- November 23
- December 21

and also at such other times as the Council may by adjournment to a day certain appoint. The regular meeting schedule for 2005 shall be established in a resolution adopted in 2004. When the date for a regular meeting falls on a legal holiday the meeting shall be held on the following day.

II. SPECIAL MEETINGS - Special meetings may be called at any time by the Mayor, the President of the Council, or any three Councilmembers. The City Clerk shall cause the written notice thereof, specifying the object of the meeting, to be served upon each member personally or to be delivered at the member's usual place of residence at least twenty-four hours before the time fixed for such meeting, except that if such notice is served prior to 5:00 P.M., the time for the special meeting may be fixed at any time after 9:00 A.M. the following day. Councilmembers may waive service of such notice in writing. At such special meeting no business other than that named in the notice of the meeting shall be transacted.

III. EXECUTIVE MEETINGS - Whenever the Council or a duly constituted committee thereof shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the Open Meetings Law, and the presiding officer shall direct all persons except members and designated officers of the City to withdraw.

IV. QUORUM - The majority of the Councilmembers shall constitute a quorum; but a smaller number may adjourn from day to day.

V. PRESIDING OFFICER - The President of the Council, and in the President's absence, the Vice President, shall preside over the meetings of the Council. In the absence of both the President and the Vice President,

the City Clerk shall call the meeting to order and the Council shall appoint as presiding officer a President *pro tempore*.

- VI. ORDER OF BUSINESS - The following shall be the order of business at regular meetings:
1. Roll Call.
 2. Moment of Silence & Pledge of Allegiance.
 3. Approval of the minutes of the preceding meeting or meetings.
 4. Communications to the Council from the Mayor, President of the Council, other corporate officers, boards and departments and miscellaneous communications.
 5. Presentation and reference of petitions and remonstrances.
 6. Public Hearings.
 7. Introduction of an action upon local laws, ordinances and resolutions.
 8. Reports of standing committees and action thereon.
 9. Reports of special committees.
 10. Miscellaneous business.
 11. Adjournment.
- VII. PERMISSION FOR PERSONS TO SPEAK BEFORE THE COUNCIL - For one hour prior to roll call at the commencement of a Council meeting, the President of the Council may allow any person to speak to the Council upon the following terms and conditions:
1. In order to speak, a citizen must notify the Clerk's Office before 6:00 p.m. on Council meeting nights.
 2. The citizen must specify to the Clerk the subject of his or her remarks.
 3. The Clerk will prepare two lists of scheduled speakers:
 - A. Those wishing to speak on items which are on the agenda for that Council meeting and which are not the subject of a public hearing.
 - B. All other speakers.
 4. The lists shall be in the order that citizens notified the Clerk's Office.
 5. At the start of the session, the President will divide sixty (60) minutes by the number of speakers on both lists to determine the amount of time allotted to each speaker. However, the minimum allotted time will be three (3) minutes.
 6. The President will call the speakers in order as listed on List A, and after

completing List A, the speakers on List B, giving each the amount of time determined in paragraph 5 above.

7. Any listed speakers not reached by 8:00 p.m. will be invited to return to the next Council session when their names will be placed at the top of the respective lists.
8. Speakers must relinquish the podium at the end of their allotted time.
9. In the event that the President shall determine that any speaker is violating any of the Rules of Council, the President, in the President's discretion, may cause the meeting to be recessed.

Any person may also speak at meetings of duly constituted committees of the Council at the invitation of the Chairperson and upon such terms and conditions as the Chairperson may, from time to time, prescribe.

- VIII. ROLL CALL VOTE - On the passage of every ordinance which is not adopted by unanimous vote, on the passage of any ordinance authorizing the issuance of bonds and notes, on the selection of any officer other than by unanimous vote, and on the enactment of any local law, the individual vote for or against the particular legislation before Council shall be entered in full upon the journal. In the case of an abstention from a vote, any member who abstains from voting shall state publicly the reasons for such abstention: such reasons shall be entered in full upon the journal.
- IX. PRECEDENCE OF MOTIONS - When a question is before the Council no motion shall be entertained except: First, to adjourn; second, to fix the hour of adjournment; third, for the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a day certain; seventh, to refer; eighth, to amend. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to vote without debate.
- X. PREVIOUS QUESTION - The previous question shall be put as follows: "Shall the main question be now put?" If this question is decided in the negative, the main question remains before the Council.
- XI. DIVISION OF QUESTIONS - If the question contains two or more divisible propositions, the presiding officer shall, upon the request of any member, divide the same, but a motion to strike out a provision and insert a substitute is not divisible.
- XII. RECONSIDERATION - After the decision of any question, a member who voted in the majority may move its reconsideration at the same or a subsequent meeting. If a motion for reconsideration be lost, it shall not be renewed without unanimous consent of the members present and no question shall a second time be reconsidered without similar unanimous consent. After a local law or ordinance has been signed by the Mayor, or

has been presented to the Mayor and more than thirty (30) days have expired, during which time the Mayor neither approved it nor returned it to the Clerk with objections, it shall not be reconsidered, but such local law or ordinance may be repealed, or amended.

- XIII. WITHDRAWAL OF MOTION - Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.
- XIV. PROCEDURE ON RESOLUTIONS - All resolutions of the Council shall be adopted by the affirmative vote of a majority of the members present at the meeting at which action is taken thereon. Any member of the Council may introduce a resolution into the Council either (a) at any meeting of the Council, at which time the presiding officer shall refer the resolution to the appropriate standing committee, or (b) at any time until 5:00 p.m. the day before a committee meeting by submitting it to the President of the Council who shall promptly forward it to the Chair of the appropriate standing committee. The Council shall not vote upon any resolution until it has been discharged from one or more standing committees pursuant to Section XVII of these rules, provided, however, that the Council may vote upon a resolution without reference to or discharge from a standing committee if it is accompanied by a statement of necessity of immediate passage signed by the Mayor or the President of Council, or these rules are provided as provided herein.
- XV. PROCEDURE ON LOCAL LAWS AND ORDINANCES - All legislative acts of the Council shall be by local law or ordinance adopted by the affirmative vote of five members of the Council, unless otherwise expressly required by law.

Any member of the Council or the Mayor may introduce a Local Law or Ordinance into the Council. Such proposed legislation shall be submitted to the President of the Council, who shall forward it to the Chair of the appropriate standing committee(s). Proposed legislation submitted to the President of the Council by any Councilmember or the Mayor shall be deemed introduced into the Council on the day the President forwards it to committee, at which time the President shall simultaneously provide a copy to the City Clerk who shall note on the copy the date of its introduction and its sequential introductory number.

Proposed legislation shall be similarly distributed to Councilmembers on "Agenda Day" which shall be at least nineteen (19) days prior to the date of the Council meeting at which it is scheduled to be considered. During the week following Agenda Day, additional legislation may be submitted to the President of Council for distribution to the appropriate committee(s) at the discretion of the President.

Proposed legislation submitted less than twelve (12) days before the Council Meet-

ing at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration, stating the nature of the emergency, signed by the Mayor. Proposed legislation submitted less than five (5) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration, stating the nature of the emergency, signed by the Mayor and President of the Council. The Clerk shall keep a file of all proposed legislation until it is voted upon by the Council or until the expiration of each two-year term of Council. A local law or ordinance amended after introduction shall not become a new local law or ordinance unless the presiding officer, or the Council on an appeal from the presiding officer's ruling, rules that the amendment is so substantial as to constitute a new local law or ordinance. The Council shall not vote upon any local law or ordinance until it has been discharged from one or more standing committees of the Council pursuant to Section XVII of these rules, provided, however, that the Council may vote upon proposed legislation without reference to or discharge from a standing committee if:

- a) as to a local law, it is accompanied by a statement of necessity of immediate passage signed by the Mayor, and its adoption is by the affirmative vote of six (6) members of the Council, or
- b) as to an ordinance, (i) it is accompanied by a statement of necessity of immediate passage signed by the Mayor, or (ii) approval to vote upon it is given by six (6) members of the Council.

Whenever a public hearing is required to be held by the Council on an item of proposed legislation, the President may direct the City Clerk to advertise the public hearing in the manner and for the period of time required by law so that such hearing may be held at the next available regularly scheduled or special Council meeting following introduction of the proposed legislation; or if the hearing is to be held before a committee, such hearing shall be advertised so that it may be held at the next available regularly scheduled or special meeting of that committee; unless the Council provides otherwise by resolution.

Whenever the Mayor has disapproved a local law or ordinance and the City Clerk has presented the local law or ordinance to the Council with the Mayor's objections, the President or any member of Council may move for reconsideration of the same within thirty (30) days.

- XVI. CONSTITUTION OF COMMITTEES - The following standing committees shall be appointed by the President of the Council at the organization meeting of the Council:
Finance & Public Safety; Housing & Economic Development; Parks, Public Works & The Environment; Public Services, Health & The Arts.

The first named member of each committee

shall be Chair. The President and the Vice President shall be *ex officio* voting members of all committees.

A change in the personnel of the foregoing committees, including a change in the Chair thereof, may be effected at any time or times at the pleasure of the President of the Council with the concurrence of a majority of the Council, or in any case by a two-thirds vote of the Council. The President shall be empowered to constitute a Committee of the Whole, in place of any standing committee, to consider Mayoral appointments of Department Heads or for other resolutions, local laws, or ordinances considered to be of sufficient importance as to merit such treatment. Discharge from the Committee of the Whole shall fulfill the requirements variously stated in Sections XIV, XV, and XVII, which call for the discharge of any proposed legislation from a standing committee before it can be acted upon by the Council.

XVII. MEETINGS AND PROCEDURES OF STANDING COMMITTEES - A majority of a committee shall constitute a quorum. Each committee shall meet at the call of its Chair or any other two members, upon reasonable notice to all committee members. Regular meetings of the standing committees shall be scheduled no later than five (5) days before the date of a Council meeting.

A committee may hold a public hearing on any proposed legislation referred to it. A committee may amend any proposed legislation referred to it by majority vote of its members taken at a meeting, and if discharged, the Council shall consider the proposed legislation.

In discharging any proposed legislation referred to it, a committee shall specifically recommend the legislation for adoption, rejection or consideration by the Council in a written report signed by a majority of its members attending the committee meeting. Any proposed legislation discharged by a committee shall be placed by the City Clerk on the agenda of the next regular Council meeting, at which the Council shall vote upon each item of proposed legislation separately, a yes vote to indicate adoption of the legislation, and a no vote to indicate rejection of the legislation.

If a committee fails or refuses to discharge any proposed legislation referred to it, it may be discharged on a motion duly seconded by the affirmative vote of a majority of the Council.

XVIII. ROBERT'S RULES OF ORDER - The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the Council in all cases except as herein pro-

vided.

XIX. SUSPENSION OF RULES - Any rule of the Council, except as otherwise specifically provided in such rule, may be temporarily suspended by a vote of two-thirds of all the members present, unless such rule is prescribed by law.

XX. AMENDMENT OF RULES - No permanent alteration shall be made in these rules without notice of the proposed change having been given at a previous meeting.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Mains

Ordinance No. 2004-1

Designating The Official Newspapers Of The City Of Rochester For The Years 2004-05

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following newspapers are hereby designated to be the official newspapers of the City of Rochester for the years 2004-05: the *Democrat & Chronicle*, the *Daily Record*, and *City Newspaper*.

Section 2. The Mayor is hereby authorized to enter into agreements with the publishers of said newspapers whereby said newspapers shall publish and print such materials as shall be delivered to the newspaper by the City Clerk or other authorized officials or employees of the City. In no event shall any designated newspaper have the right to publish all official notices of the City.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 5:11 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
JANUARY 27, 2004

Present - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago - 7.

Absent - Councilmembers Curran, Stevenson - 2.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:
NET
Carolyn M. Argust
DES
*Walter L. Curtis
DPRHS
*Richard T. Defiore
Mayor's Office
*Maria P. DeJesus
RPD
*Donna Colangelo
*Donald A. Liberti
*Not attending meeting.

APPROVAL OF THE MINUTES
By Councilmember Mains

RESOLVED, that the minutes of the Regular Meeting of December 23, 2003, and the Organization Meeting of January 2, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:
Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3755-7
Request for Proposal Sale - February 20, 2004. 3756-7
Quarterly Reports. 3757-7
Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3758-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Authorizing An Amendatory 2003-04 Community Development Program Plan And An Agreement For A Float Loan For The Elmgrove Place Project Int. No. 8 No speakers.

Changing The Zoning Classification Of 4-8 North Goodman Street And 610, 630 And 666 East Avenue From Institutional Planned Development #16 To R-3 High Density Residential Int. No. 9 Two speakers: Jon Zemans and Bruce Poffer.

Amending The 2003-04 Community Development Program By Transferring Funds To The Job Creation/Youth Development Account Int. No. 15 No speakers.

Approving Increases In The Pavement Width Of Post Avenue Int. No. 23 No speakers.

Approving A Change In Traffic Flow On Stillson Street, From Main Street To Achilles Street, From Two-Way To One-Way Northbound Int. No. 24 No speakers.

Local Improvement Ordinance - Areaway Abandon-

ment At 316 East Main Street And Repair At 60 Liberty Pole Way As A Part Of The Achilles Street Improvement Project Int. No. 25 No speakers.

Approving Changes In Traffic Flow On Canary Street, Lark Street, Holmes Street, Oriole Street And Finch Street And An Increase In The Pavement Width Of Lark Street Int. No. 26 No speakers.

Naming Of New Streets Previously Dedicated At The Port Of Rochester By Ordinance No. 2002-136 As Corrigan Street, North River Street And Portside Drive Int. No. 44 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
January 27, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 1 - Authorizing The Sale Of Real Estate

Int. No. 2- Amending Ordinance No. 2003-298 Relating To The Sale Of Real Estate

Int. No. 4 - Authorizing An Amendatory Agreement For The East End Garage Reserve Fund

Int. No. 5 - Amending The Boundaries Of The Cultural District To Include The Auditorium Theater

Int. No. 6 - Authorizing The [Settlement] Restructuring Of A UDAG Loan For The Olde Rochesterville Project, As Amended

Int. No. 7 - Resolution Approving Reappointments To The Rochester Public Library Board Of Trustees

Int. No. 34 - Resolution Approving Appointments And Reappointments To The Downtown Enhancement District Advisory Committee

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 8 - Authorizing An Amendatory 2003-04 Community Development Program Plan And An Agreement For A Float Loan For The Elmgrove Place Project

Int. No. 9 - Changing The Zoning Classification Of 4-8 North Goodman Street And 610, 630 And 666 East Avenue From Institutional Planned Development #16 To R-3 High Density Residential

The following entitled legislation is being held in committee:

Int. No. 3 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

Respectfully submitted,
Wade S. Norwood
Adam C. McFadden
Lois J. Giess
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE
Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-2 And
Ordinance No. 2004-3
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of 11 properties and amending an ordinance relating to a prior sale. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales

The first three properties were sold for \$1.00 at the September 30, 2003, Homestead Lottery. The purchasers will be required to rehabilitate the structures within 18 months and to occupy them for a minimum of five years.

The next two properties are vacant lots that are being sold for their appraised values and will be utilized for the construction of a parking lot.

The next property is a commercial structure that was sold at the July 28, 2003, Request for Proposal Sale. The structure will be rehabilitated as a café and one office.

The last five properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

Please note that Mitchell Rowe, an officer of the Seneca Group which is purchasing 3 Lyell Avenue, is an employee of the City of Rochester. Mr. Rowe has received no special consideration in this negotiation.

Amendment

City Council approved the sale of 185 Murray Street to Gerald and Mercedes Vogt pursuant to Council Ordinance #2003-298. The Division of Real Estate is requesting that the ordinance be amended to authorize the sale of 185 Murray Street to Generation Management of Rochester, Inc., which is the corporate name.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-1

Ordinance No. 2004-2
(Int. No. 1)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by homestead lottery:

Address S.B.L.#	Legal Use Purchaser
66 Aab St. 105.50-1-29	1 Family Melinda T. Parks
24 Bismark Ter. 091.78-3-44	1 Family Lolita N. Barksdale
56 Riverview Pl. 121.77-1-12	1 Family Alan B. Williams

Section 2. The Council hereby further approves the negotiated sale of the following parcels of vacant land with proposal:

Address S.B.L.#	Price Purchaser
936-938 Clinton Ave. N. 106.30-2-40	\$2,100 Pentecostal Holiness Church*
948-952 Clinton Ave. N. 106.30-2-44.1	1,850 Pentecostal Holiness Church*

*Officers: Jesus Marrero

Section 3. The Council hereby further approves the sale of the following parcel of improved property by request for proposal sale:

Address:	3 Lyell Ave.
S.B.L.#:	105.68-2-12
Price:	\$1,000
Purchaser:	The Seneca Group*

*Officers: Thomas LaBue, Mitchell Rowe

Section 4. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Sq. Ft. Purchaser
188 Bernard St. 106.25-1-64	4977± Stephen V. Young
1013 Joseph Ave. 091.71-2-76	4073± Alfredo Ortiz & Alejand Ramirez
440 Scio St. 106.66-1-43	3729 Little Lighthouse Church of Jesus Christ*
109 Seager St. 121.81-1-19	2133± Brian T. Creary
174 Wilkins St. 106.24-1-84	3570 Tonya Torres

*Officers: Latonya T. Brown, Willie Mae Robinson

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following

the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-3
(Int. No. 2)

Amending Ordinance No. 2003-298 Relating To The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-298, relating to the sale of real estate, is hereby amended by authorizing the sale of 185 Murray Street to Generation Management of Rochester, Inc., instead of to Gerald and Mercedes Vogt, as approved in Section 2 thereof.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-4 And
Ordinance No. 2004-5
Re: Cultural District

R2010: Campaign 8 - Tourism Destination
Campaign 11 - Arts & Culture

Transmitted herewith for your approval is legislation relating to the Cultural District. This legislation proposes:

1. Amending the boundaries of the Cultural District to include the Auditorium Theater located at 875 East Main Street, Rochester, NY 14605 (legal description attached); and
2. Amending the agreement between the City of Rochester, County of Monroe and the Cultural Center Commission, for oversight and operation of the East End Garage (formerly known as the Metro Center Garage).

The Rochester Broadway Theater League (RBTL) is in the process of acquiring the Auditorium Theater facility at 875 East Main Street. RBTL currently leases the premise. In order to continue to attract high-caliber, touring Broadway shows to the theater, renovations of the building were required. The renovations included new seats, bathrooms, a sound system, and improvements to the main lobby area. These renovations were completed in anticipation of a \$1.6 million loan from a private investor who has asked to remain anonymous. The term of the loan to RBTL would be 5 years with repayment as follows:

1. \$150,000 in Year One
2. \$200,000 in Year Two
3. \$250,000 in Year Three
4. \$300,000 in Years Four and Five

5. A balloon payment of the remaining principal balance (est. \$400,000) at the end of Year Five

In July 2003, the RBTL requested assistance from the Commission to help secure the \$1.6 million loan. Since the Auditorium Theater is not located within the boundaries of the Cultural District, the Commission could not provide assistance. However, the Commission did agree to consider expanding the District boundaries to include the Auditorium Theater property. The original land use plan of the Cultural District was approved by the City Council on September 9, 1990. Under this plan, the Cultural Center Commission may amend the plan to extend or modify the boundaries of the Cultural District.

The loan to RBTL is contingent upon a guarantee for repayment by the Cultural Center Commission in an amount limited to \$1.6 million. The investor is requiring access to the East End Garage Reserve for repayment of the remaining loan principal in event of default by RBTL.

The City-County-Commission Agreement governs the use of the East End Garage Reserve Fund. Executed in 1987, the Agreement specifies use of the reserve fund for repairs and capital improvements to the garage. The Agreement was amended earlier this year to allow for \$400,000 in future garage revenues, collected from tenants of the proposed Sagamore-on-East project, to be deposited in a designated account for future parking considerations of the Sagamore tenants. Another amendment is required to allow the reserve fund to be utilized, if needed for repayment of the RBTL loan.

Resolutions were passed by the Cultural Center Commission at the November and December 2003 meetings to guarantee the RBTL loan, and to amend the City-County-Commission agreement, allowing access to the East End Garage Reserve Fund for such a purpose.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-2

Ordinance No. 2004-4
(Int. No. 4)

Authorizing An Amendatory Agreement For The East End Garage Reserve Fund

WHEREAS, the City and the County of Monroe and the Cultural Center Commission have entered into an agreement for the East End Garage and have established a reserve fund to pay the costs of the Garage, and

WHEREAS, the Cultural Center Commission has agreed to guarantee repayment of a loan from a private investor to the Rochester Broadway Theater League for renovations to the Auditorium Theater at 875 East Main Street through the reserve fund, and

WHEREAS, the guarantee conforms to the purposes of the Cultural Center Commission as set forth in Chapter 613 of the Laws of 1979 and will further the Cultural District Plan and serve a public purpose;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to

enter into an amendatory agreement with the County of Monroe and the Cultural Center Commission for oversight and operation of the East End Garage, whereby the purposes of the East End Garage Reserve Fund may include the guarantee of repayment of the principal of a loan from a private investor to the Rochester Broadway Theater League for renovations to the Auditorium Theater at 875 East Main Street, in an amount not to exceed \$1,600,000.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-5
(Int. No. 5)

Amending The Boundaries Of The Cultural District To Include The Auditorium Theater

WHEREAS, the City and the County of Monroe must approve changes to the boundaries of the Cultural District, and

WHEREAS, the Cultural Center Commission, by Resolution No. 16 of 2003, has approved a boundary change to add to the Cultural District the Auditorium Theater at 875 East Main Street, and

WHEREAS, the addition conforms to the purposes of the Cultural Center Commission as set forth in Chapter 613 of the Laws of 1979 and will further the Cultural District Plan and serve a public purpose;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a boundary change to the Cultural District to add the Auditorium Theater at 875 East Main Street, as adopted by the Cultural Center Commission by Resolution No. 16 of 2003, as more particularly described as follows:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, being more particularly bounded and described as follows:

Beginning at the point of intersection of the northerly right of way line of College Avenue (50' ROW) and the easterly right of way line of Prince Street (58' ROW), said intersection being the point or place of beginning; thence

- 1) N17°37'44"W, along said easterly ROW line of Prince Street, a distance of 243.77' to an angle point; thence
- 2) N27°24'36"E, continuing along said Prince Street ROW, a distance of 28.26' to a point on the southerly ROW line of East Main Street; thence
- 3) N72°27'01"E, along said East Main Street ROW, a distance of 260.68' to a point on the westerly line of the Birch Crescent Subdivision; thence
- 4) S17°34'19"E, along the said westerly line of the Birch Crescent Subdivision, a distance of 301.34' to a point; thence

5) S67°54'09"E, along the south line of said Birch Crescent Subdivision, a distance of 69.42' feet to a point; thence

6) S22°05'51"W, a distance of 150.00' to a point on the said northerly ROW line of College Avenue; thence

7) N67°54'09"W, along said College Avenue ROW, a distance of 309.32' to the said easterly ROW line of Prince Street, said point being the point or place of beginning.

Hereby intending to describe Lots A and B as shown on a map prepared by LaBella Associates, PC, being drawing #203120 and dated June 3, 2003. Said Lots A and B containing 2.467 acres, more or less.

Being part of the same premises conveyed to Raymond and William Saucke by a deed dated December 31, 1991, and filed in the Monroe County Clerk's Office in Liber 8173 of Deeds, Page 414.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-6
Re: Olde Rochesterville, L.P.

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing the settlement of a City of Rochester Urban Development Action Grant loan, which has a total principal balance owed of \$1,186,543. \$725,000 of this amount will be paid in cash and \$461,543 will be secured by a note from Crossroads Apartments Associates, L.P. This note will be repaid on a thirty-year amortization schedule at 5% interest with a balloon payment due on February 1, 2017. The note will be secured by an assignment of a Disposition Agreement between Crossroads Apartments Associates, L.P. and Rural Housing Action Corporation and an assignment of a promissory note from Rural Housing Action Corporation to Crossroads Apartment Associates, L.P. Additionally, the City of Rochester and the appropriate entities may enter into additional agreements which will provide additional protection for the debt service payments and balloon payment on the \$461,543 secured note. Following the settlement of the UDAG, the mortgage lien which secures the UDAG will be discharged and Olde Rochesterville, L.P. will be released from any further liability.

Olde Rochesterville, L.P. is a limited partnership controlled by members of the Wilmot family. This partnership owns Olde Rochesterville, a mixed-use real estate project located on North Water Street which is comprised of a six-story apartment/commercial building with 65 residential apartment units, two-story commercial building, three-level parking garage, and two surface parking lots.

Olde Rochesterville, L.P. was formed in 1983 and acquired the Olde Rochesterville real estate in 1985. The partnership converted and renovated the real estate in 1985-1986. Permanent financing for the acquisition and renovation work consisted of \$3,000,000 in COMIDA Industrial Bonds, a \$2,000,000 mortgage loan from the NYS Housing

Finance Agency, and a \$1,600,000 City of Rochester UDAG loan. The COMIDA bonds were refinanced in 1997 with equity and a \$1,200,000 mortgage loan from The Bank of New York. The NYS HFA loan is secured by a first collateral mortgage on the residential portion of the Project as well as 13,000 square feet of commercial space. The balance outstanding on this loan is \$1,667,849. The Bank of New York loan was secured by a first collateral mortgage on the two-story office building and the 3-story garage. The balance outstanding on this loan was \$674,000.

The UDAG loan was closed in June 1985. The loan was for a total of \$1,600,000 and is secured by a second collateral mortgage on the entire Olde Rochesterville project and a subordinated assignment of leases and rents. The loan was a twenty-year loan with a repayment schedule consisting of (i) no payments during the first three years (ii) principal and interest payments based on a 17-year schedule at 5% during years 4-7 (iii) principal and interest payments based upon a 13-year schedule at 9.5%. The loan also contained a cash flow recapture provision which required excess cash flow generated by the project to be applied against the UDAG loan. Currently, the balance owed on the UDAG is \$1,733,079.56, consisting of \$1,186,543.68 in principal and \$546,535.88 in interest. The loan is currently delinquent in the amount of \$1,304,513.91.

In July 2003, Midland Appraisal Associates completed an appraisal of Olde Rochesterville for the City Economic Development Department which determined a value of \$2,900,000.

Due to on-going high vacancy rates in the commercial portion of the real estate, the project has been unable to generate sufficient cash flow to repay all existing debt.

Earlier this year, Olde Rochesterville, L.P. entered into a contract to sell the real estate to North Water Street I, LLC and North Water Street II, LLC, companies owned by Laurence Glazer. The purchase price is \$2,950,000. Under the purchase arrangements, the Glazer companies will assume the NYS HFA loan. The Glazer companies have already paid \$500,000 in cash to settle the Bank of New York loan. At closing, the Glazer companies will pay \$725,000 in cash to Olde Rochesterville, L.P. which will utilize these funds to pay down the principal balance owed on the City UDAG loan.

All proceeds of the sale of the Olde Rochesterville real estate will be utilized to repay existing debt and for closing costs. The closing on the sale of the Olde Rochesterville property is expected to occur in February 2004 and is contingent upon the settlement of the UDAG.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-6
(Int. No. 6, As Amended)

Authorizing The [Settlement] Restructuring Of A UDAG Loan For The Olde Rochesterville Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with all necessary parties for the restructuring [and settlement] of the Urban De-

velopment Action Grant (UDAG) Loan for the Olde Rochesterville Project on North Water Street. The agreements shall provide for the [settlement] restructuring of the UDAG Loan for the outstanding principal amount of \$1,186,543, consisting of \$725,000 in cash and an amended \$461,543 [secured] note, with the outstanding interest being forgiven. The amended note shall be assumed by [to] Crossroads Apartments Associates, L.P. The note shall be repaid on a thirty year amortization schedule at 5% interest, with a balloon payment due on February 1, 2017. The note shall be secured by assignment of a Disposition Agreement between Crossroads Apartments Associates, L.P. and the Rural Housing Action Corporation and an assignment of a promissory note from the Rural Housing Action Corporation to Crossroads Apartments Associates, L.P., together with any additional security that the Mayor may require. Upon settlement of the UDAG Loan, the mortgage lien which secures the Loan shall be released and discharged and Olde Rochesterville, L.P. will be released from any further liability.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-5
Re: Reappointments - Rochester Public
Library Board of Trustees

Transmitted herewith for your approval is legislation approving the reappointment of the following individuals to the Board of Trustees of the Rochester Public Library for five-year terms to expire December 31, 2008.

Robert D. Hursh	Emeterio M. Otero
2795 East Avenue	265 Castlebar Road
Rochester, NY 14610	Rochester, NY 14610

Mr. Hursh was originally appointed to the Board in April 1992, and currently holds the office of Treasurer. He is Chair of the Finance Committee, a member of the Facilities Enhancement Committee, and Liaison to the Rundel Library Foundation Board. Mr. Hursh has attended 28 of 49 scheduled meetings over the past five years (57% attendance).

Dr. Otero was originally appointed to the Board in March 1999. He is the Executive Dean of the Monroe Community College Damon City Campus and currently serves as the Board's President, Chair of the Nominating Committee, and is a member of the Personnel Committee. He has attended 31 of 46 meetings (67%).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-5
(Int. No. 7)

Resolution Approving Reappointments To The Rochester Public Library Board Of Trustees

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointments of Robert Hursh, 2795 East Avenue, and Emeterio Otero, 265 Castlebar Road, to the Rochester Public Library Board of Trustees for terms which shall expire on December 31, 2008.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-6
Re: Appointment - Downtown Enhancement
District Advisory Committee

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation confirming the appointment or reappointment of seven people to the Downtown Enhancement District Advisory Committee.

Establishment of the committee was specified by the local improvement assessment legislation that was approved by the City Council on May 16, 1989. The prescribed responsibilities of the committee are to:

- monitor the performance of district services,
- review the annual budget for the district prepared by the Mayor, and
- make a recommendation to the City Council with respect to that budget.

The committee consists of 13 persons representing property owners and tenants within the district. The members are intended to fairly represent large and small properties, owners and tenants, Zone 1 properties and Zone 2 properties.

The two-year terms of committee members are staggered to prevent expiration of all terms in any one year. The terms of seven members of the Committee expired in December 2000 (four of those members have resigned, resulting in four vacancies). The new terms of those seven members will expire on December 31, 2005. The terms of the remaining six members are scheduled to expire on December 31, 2004.

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
-------------	--------------------	-------------------

Appointments:

Louis Nau	Canandaigua National Bank 45 E. Main Street Canandaigua National Bank	12/31/05
Lori Garner	Bennigan's Grill 120 E. Main Street Bennigan's	12/31/05
Jeff Parker	Charter One Bank 235 E. Main Street Charter One Bank	12/31/05

Rick Vitale	Rosey's Italian Café 350 E. Main Street Rosey's Café	12/31/05
-------------	--	----------

Reappointments:

Scott Grippo	Genesee Management Inc.	12/31/05
Mark Stevens	Powers Building	12/31/05
Nikolaus Wowk	Xerox Corp	12/31/05

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-6
(Int. No. 34)

Resolution Approving Appointments And Reappointments To The Downtown Enhancement District Advisory Committee

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of the following persons to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
Louis Nau	Canandaigua National Bank	12/31/05
Lori Garner	Bennigan's	12/31/05
Jeff Parker	Charter One Bank	12/31/05
Rick Vitale	Rosey's Café	12/31/05

Section 2. The Council hereby approves the reappointment of the following persons to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
Scott Grippo	Genesee Management Inc.	12/31/05
Mark Stevens	Powers Building	12/31/05
Nikolaus Wowk	Xerox Corp.	12/31/05

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-7
Re: HOP New Construction Project

R2010: Campaign 5 - Regional Partnerships
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to a proposed new housing project to be developed by Housing Opportunities, Inc. (HOP) in the

Town of Gates. This legislation proposes:

1. Amending the 2003-04 Consolidated Plan to provide for a \$500,000 CDBG float loan for the Elmgrove Place affordable rental project;
2. Appropriating \$500,000 from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program; and
3. Authorizing a construction loan agreement of \$500,000 with Housing Opportunities, Inc. or Elmgrove Place, LP.

Elmgrove Place is a 48-unit townhouse development proposed for a 10.36-acre parcel in the Town of Gates. The parcel is in a growth corridor in northwest Gates. Elmgrove Place will have significant positive impacts on the community and its residents, which is demonstrated by the support the project has received from Monroe County and the Town of Gates.

The site is convenient to schools, shopping, health care, transportation and employment. The site was identified as part of Housing Opportunities' search for appropriate sites for family rental housing in suburban Monroe County near employment centers. The site has been rezoned from single family to multi-family. It is adjacent to St. Jude Church and Steger Senior Housing.

Twelve of the townhouses will be two-bedroom units and 36 will be three-bedroom units. Twelve of the units will benefit from project-based Section 8 certificates. Amenities include abundant landscaping, a community center, a play area for small children and a basketball area for older children.

The project has a construction cost of \$5,593,600 and will be financed from the following sources:

Greater Rochester Housing Partnership	\$4,500,000
City of Rochester (proposed float loan)	500,000
Federal Home Loan Bank of New York	393,600
Monroe County	200,000
Total	\$5,593,600

The City's loan will have a maximum term of 12 months and an interest rate of 0% and will be secured with a note and mortgage.

The total development cost of the project, including project reserves, soft costs and developer fees is \$6,524,072.

The sources of permanent financing are:

NYS Division of Housing and Community Renewal	\$1,800,000
Enterprise Social Investment Corp. (tax credit equity)	3,890,472
Housing Opportunities, Inc.	240,000
Federal Home Loan Bank of New York	393,600
County of Monroe	200,000
Total	\$6,524,072

The construction of the Elmgrove Project will implement a key strategy of the Community Choice Action Plan, which advocates the development of rental housing for low-income families in suburban Monroe County.

The project will have the following benefits:

1. It will provide affordable housing options outside of areas of high poverty concentration.
2. It will provide affordable housing near entry-level jobs. The site is located adjacent to Rochester Technology Park.
3. It will address one of the most severe housing needs in Monroe County. According to the County's Consolidated plan, there are more than 4,500 families in suburban Monroe County with incomes of less than 50% of area median income that pay more than 30% of their income in rent. Most of these pay more than 50% of their income in rent.
4. It will provide lead-free housing for families with young children.
5. It will be the only affordable family housing development in the Town of Gates.

Housing Opportunities will establish a committee of Gates residents to advise on the ongoing management of the project. This committee will also include residents of the project.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-7
(Int. No. 8)

Authorizing An Amendatory 2003-04 Community Development Program Plan And An Agreement For A Float Loan For The Elmgrove Place Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendatory 2003-04 Community Development Program Plan whereby the sum of \$500,000 shall be added to the Improving the Housing Stock and General Property Conditions Allocation in a new account for a float loan for the Elmgrove Place Project in the Town of Gates.

Section 2. The Mayor is hereby authorized to enter into a construction loan agreement with the Housing Opportunities Housing Development Fund Corporation and/or Elmgrove Place LP for the Elmgrove Place Project in the Town of Gates. The loan shall be for a term not to exceed twelve months, and shall be repaid without interest at the end of the term. The loan shall be secured by a note and mortgage.

Section 3. The loan agreement shall obligate the City of Rochester to pay an amount not to exceed \$500,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-8
Re: Zoning Map Amendment -
4-8 N. Goodman Street;
610-666 East Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning four properties at 4-8 N. Goodman Street, 610 East Avenue, 630 East Avenue and 666 East Avenue from Institutional Planned Development #16 (Wesley Gardens) to R-3 High Density Residential district.

The rezoning is requested by Wesley Gardens Corporation to enable them to expand the existing nursing home at 4-8 N. Goodman Street and to permit the sale of two properties at 630 and 666 East Avenue for residential purposes unrelated to Wesley Gardens. The expansion is necessary in order to bring the facility into compliance with current state codes; the sale of the East Avenue properties will help to offset the costs of expansion.

The affected parcels are bordered to the north by R-2 Residential zoning, to the east and west by the R-3 Residential/O-O Overlay Office zoning and to the south by the Institutional Planned Development (IPD) #7 (Rochester Museum and Science Center). The IPD #16 is located within the East Avenue Preservation District.

The property at 4-8 N. Goodman Street is currently being occupied as a 200-bed nursing home, the property at 610 East Avenue is a 15-unit apartment building and the two remaining properties at 630 and 666 East Avenue are currently vacant but were used in the past as residence halls for the aged in association with Wesley Gardens.

On July 24, 2003, applications for Site Plan Review and Certificate of Appropriateness were submitted to construct an addition to the nursing home at 4-8 N. Goodman Street and to demolish the 15-unit apartment building at 610 East Avenue. The Preservation Board approved, conceptually, the construction of the nursing home addition but denied the request to demolish the apartment building. Records of that meeting are attached.

Without demolishing the apartment building, the expansion of the nursing home will exceed the floor area ratio (FAR) of 1.822, which was approved by City Council in 1992. In addition, Wesley Gardens would like to sell the two vacant buildings at 630 and 666 East Avenue. However, the current IPD #16 zoning limits these buildings to uses related to the Wesley Gardens nursing home operation and is, therefore, no longer appropriate.

R-3 Residential districts permit nursing homes; the proposed expansion of the nursing home will require special permit approval from the Planning Commission. Multiple family dwellings are permitted as of right in the R-3 Residential. Any use of the two vacant properties will be required to comply with the R-3 district regulations.

The Planning Commission held an informational hearing on December 15, 2003. Three persons spoke in support of the application; there were no speakers in opposition. By a vote of 4-0-1, the Commission recommended approval. Proceedings of the meeting are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning, as lead agency, has determined that the proposal will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-3

Ordinance No. 2004-8
(Int. No. 9)

Changing The Zoning Classification Of 4-8 North Goodman Street And 610, 630 And 666 East Avenue From Institutional Planned Development #16 To R-3 High Density Residential

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 4-8 North Goodman Street, and 610, 630 and 666 East Avenue, from Institutional Planned Development #16 to R-3 High Density Residential:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, said parcel being more particularly bounded and described as follows:

Beginning at a point at the centerline intersection of North Goodman Street and East Avenue;

Thence 1) S 71° 31' 30" E ±, along the centerline of East Avenue, a distance of 487 feet more or less to the intersection of the southwesterly extension of the property line between Parcel # 121.35-01-13.1 on the west and Parcel # 121.35-01-14 on the east;

Thence 2) N 22° 02' 20" E ±, along said property line and its extension, a distance of 339 feet more or less to the intersection of the easterly extension of the centerline of Upton Court;

Thence 3) N 68° 14' 40" W ±, along said centerline of Upton Court and its extension, a distance of 131 feet more or less, to the centerline intersection of Upton Court and Upton Park;

Thence 4) N 22° 08' 20" E ±, along the centerline of Upton Park, a distance of 113 feet more or less to the intersection of the southeasterly extension of the property line between Parcel # 121.35-01-11 on the north and Parcel

121.35-01-08.1 on the south;

Thence 5) N 68°12' 40" W ±, along said property line and it's extension, a distance of 128.5 feet more or less to a point;

Thence 6) S 50°08' W ±, along the property line between Parcel # 121.35-01-09 on the northwest and 121.35-01-08.1 on the southeast, a distance of 46.8 feet more or less to a point;

Thence 7) N 68°05' 30" W ±, along the property line between Parcel # 121.35-01-09 on the north and Parcel # 121.35-01-08.1 on the south and it's extension, a distance of 206 feet more or less to a point on the centerline of North Goodman Street;

Thence 8) S 21°54' 30" W, along the centerline of North Goodman Street, a distance of 439 feet more or less to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 3
Re: Lease - 1015 Thomas Avenue

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing a one year lease agreement between the City and Voyager Boat Sales, Inc. for the continued use of premises located at 1015 Thomas Avenue. Voyager rents space to boat owners for storage and has leased this area from the City for more than thirty years.

The current lease expired on December 31, 2003. The new lease will commence January 1, 2004 and expire on December 31, 2004. The monthly rental amount will be \$1,800, which was established through an independent appraisal prepared by Robert G. Pogel, SRPA. This same amount has been in effect since 2000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 3

AUTHORIZING A LEASE AGREEMENT WITH VOYAGER BOAT SALES, INC.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Voyager Boat Sales, Inc. for the continued lease of 1015 Thomas Avenue for one year. The agreement shall obligate Voyager Boat Sales, Inc. to pay rent in the amount of \$1,800 per month.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Item held.

By Councilmember Mains
January 27, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 10 - Authorizing An Amendatory Agreement Relating To The Rochester After School Academy Program And Amending The 2003-04 Budget

Int. No. 11 - Establishing \$32,000 As Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Int. No. 12 - Establishing Maximum Compensation For A Professional Services Agreement For The Adult Softball Program And Amending The 2003-04 Budget

Int. No. 13 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

The Public Services, Health & the Arts Committee recommends for consideration the following entitled legislation:

Int. No. 14 - Authorizing An Agreement For The Rochester Effectiveness Partnership Project

Int. No. 15 - Amending The 2003-04 Community Development Program By Transferring Funds To The Job Creation/Youth Development Account

Respectfully submitted,
Tim O. Mains
Benjamin L. Douglas (Abstained vote on Introductory No. 13.)
Lois J. Giess
Gladys Santiago
PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-9
Re: New York 21st Century Community Learning Centers Program

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation relating to the New York 21st Century Community Learning Centers Program. This legislation proposes:

1. Amending the 2003-04 Budget of the Department of Parks, Recreation, and Human Services by \$624,900;

a. Amending the 2003-04 Budget of the Bureau of Parks and Recreation by \$159,100;

- b. Amending the 2003-04 Budget of the Bureau of Human Services by \$465,800; and
2. Amending an agreement with Coordinated Care Services, Inc. (CCSI), authorized by Council on May 13, 2003, by \$65,711, raising the total contract amount to \$150,111.

Council authorized legislation on May 13, 2003 for the receipt of a grant from the New York State Department of Education for the operation of the Rochester After School Academy (RASA) program, our local 21st Century Community Learning Centers program. The legislation proposed herein will authorize the grant funds to be transferred from the trust fund to the operating budgets of the Bureaus of Parks and Recreation (\$159,100) and Human Services (\$465,800). Administering the grant from the operational budget rather than the trust fund will allow for more timely processing and payment to agencies.

Coordinated Care Services, Inc. (CCSI), was approved to provide administrative and fiduciary services for the RASA consultants at a cost of \$84,400. The contract will increase the number of consultants, in addition to providing payroll services for RASA consultants and employees. The new total for the contract will be \$150,111.

The source of funds for these amendments is the New York State 21st Century Community Learning Centers Program grant awarded March 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-9
(Int. No. 10)

Authorizing An Amendatory Agreement Relating To The Rochester After School Academy Program And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby further authorized to enter into an amendatory agreement with Coordinated Care Services, Inc for a project under the Rochester After School Academy Program.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$65,711, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 3. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$624,900, which amount is hereby appropriated from New York 21st Century Community Learning Centers Program Funds.

Section 4. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-10
Re: Agreement - Up All Night, Party
in the Park Concert Series

R2010: Campaign 10 - Center City
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Up All Night (principal: Gerard Fisher), 111 East Avenue, for booking national and regional artists for the 2004 "Party in the Park" concert series. The maximum cost of this agreement will be \$32,000, which will be financed from the Rochester Events Network trust fund and the 2004-05 budget of the Department of Parks, Recreation and Human Services.

The concert series will be presented on eight consecutive Thursday evenings at the High Falls Festival Site beginning on June 17 and ending on August 5. For each of these concerts, Up All Night will provide artists for both the opening and headline acts. It will also provide a production manager and hospitality for the artists.

A similar agreement with Up All Night was authorized by City Council on December 17, 2002. The concerts in the 2003 series attracted approximately 3,500 people per week. This figure is consistent with the attendance of the 2002 series.

The proposed agreement continues a revenue-sharing component providing the City with 25% of net food and beverage sales during the concerts. In 2003, a total of \$13,156 in revenue was received by the City.

Up All Night produces more than 250 events each year. Because it is able to offer multiple events to performers, it typically is able to negotiate lower fees than the City usually obtained. It is estimated that this leverage in booking saves the City over \$15,000 in talent fees.

For the ninth consecutive year, funding from the 2004-05 operating budget of Parks, Recreation & Human Services will remain at \$12,000; \$20,000 of the cost of the above agreement will be financed from the Rochester Events Network trust fund.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-10
(Int. No. 11)

Establishing \$32,000 As Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$32,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Up All Night for talent booking services for the "Party in the Park" concert series. Of said amount, \$20,000 is hereby appropriated from the Rochester Events Network Trust Fund and \$12,000 shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and

Human Services, contingent upon approval of said budget. The agreement shall also provide Up All Night exclusive rights to vend food and beverages to the public at the "Party in the Park" concert series, in exchange for 25% of the net revenue from the food and beverage sales.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-11
Re: Agreement - Brooklyn Sports
Management, Adult Softball Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Brooklyn Sports Management (principal: Andrew Yazwinski), 214 Filon Avenue and amending the 2003-04 Budget of the Department of Parks, Recreation and Human Services to reflect increased expense and revenues related to the new agreement. The budget will be increased by \$15,300 which will be funded from program revenues. The agreement is for the continued operation of the adult softball program. It has a one year term with an option to extend for two additional one year terms. The maximum cost of this agreement will be \$139,530 in the first year.

The adult softball program provides an opportunity for both men and women to participate in organized leagues on a regular basis. In 2003, approximately 4,059 persons played on 230 teams on the City's softball fields at Cobbs Hill and Norton Village.

To participate in the program, each team pays a registration fee of \$625.00 for Cobbs Hill leagues and \$600.00 for Norton Village leagues. The revenues from these fees finance all of the costs of the program.

Mr. Yazwinski has administered the program since 1975. The current agreement, which expires December 31, 2003 was approved by City Council on October 17, 2000. Mr. Yazwinski was the only person who responded to a recent request for qualifications advertised in the Democrat and Chronicle and has again been selected based on his excellent qualifications and past performance and experience.

Under the proposed agreement, Brooklyn Sports Management will continue to administer the program for an additional one year period. He will be responsible for the following services:

1. Obtaining any insurance policies prescribed by the Director of Finance;
2. Coordinating and managing the program in accordance with policies and procedures established by the Bureau of Parks, Recreation and Human Services;
3. Registering all teams and scheduling all games;
4. Instructing team representatives concerning rules and regulations and conducting a clinic by umpires;

5. Hiring and scheduling all umpires;
6. Preparing and maintaining 16 fields for use by the adult as well as Interscholastic league teams;
7. Providing all equipment and supplies;
8. Supervising all games;
9. Recording all games results and printing team standings and newsletter; and
10. Providing trophies.

The payment to the contractor for the initial year of the program will be equal to \$275 per registered team plus reimbursement of all operating costs approved by the City.

The proposed agreement will continue to provide for direct control by the City of all receipts and disbursements. A summary of the revenues and expenses of the program is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-4

Ordinance No. 2004-11
(Int. No. 12)

Establishing Maximum Compensation For A Professional Services Agreement For The Adult Softball Program And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$139,530, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year for a professional services agreement between the City and Brooklyn Sports Management for the continued operation of the adult recreational softball program for a term of one year, with options to renew for two additional one-year terms. Said amount shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services. Amounts for the renewal years shall not exceed those set forth in the annual budgets of the Department of Parks, Recreation and Human Services for said purpose, contingent upon approval of future budgets.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$15,300, which amount is hereby appropriated from increased revenues from the adult recreational softball program.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-12
Re: Agreements - CONECTS Program

R2010: Campaign 1 - Involved Citizens
Campaign 2 - Educational Excellence
Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation relating to the Adolescent Pregnancy Prevention Services Program. This legislation proposes:

1. Authorizing agreements with:
 - a. New York State Office of Children and Family Services (OCFS) for the receipt of a grant of \$319,700; and
 - b. The following agencies that comprise the CONECTS consortium:
 - Charles Settlement House Inc.
 - Junior Achievement
 - Society for the Protection & Care of Children
 - Urban League of Rochester, Inc.
 - YWCA of Rochester and Monroe County
2. Appropriating the grant funds to finance the cost of the agreements and the costs associated with administration of the grant.

The CONECTS (Community Organizations Networking and Engaging Children and Teens through Support) program, initiated in 1984, involves a consortium of the agencies listed above. The Metro Council on Teen Potential provides program coordination and direction to the consortium, while the City serves as the lead agency. CONECTS is designed to reduce the rate of initial and repeat teen pregnancies and provide various services to pregnant or parenting teenagers.

The most recent agreement for these services was approved by Council on February 11, 2003.

During 2004-05, the grant will be allocated among the members of the consortium as follows:

Charles Settlement House Inc.	\$ 34,480
Junior Achievement	2,800
Society for the Care & Protection of Children	60,000
Urban League of Rochester, Inc.	75,000
YWCA of Rochester and Monroe County	60,000
	<u>\$232,280</u>

The Metro Council on Teen Potential and the NYS OCFS reserve the right to allocate any unexpended funds among subcontractors as needed during the contract year.

The City will retain \$87,420 from the State for administrative costs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AC-5

Ordinance No. 2004-12
(Int. No. 13)

Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for services under the New York State Adolescent Pregnancy Prevention Services Grant Program:

<u>Organization</u>	<u>Amount</u>
Charles Settlement House, Inc.	\$34,480
Junior Achievement	2,800
Society for the Protection & Care of Children	60,000
Urban League of Rochester, Inc.	75,000
YWCA of Rochester & Monroe County	60,000

In the event that all funds for a specific agreement are not expended, the Mayor is authorized to enter into amendatory agreements with the above organizations to use the unexpended funds.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$232,280. The sum of \$319,700, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Office of Children and Family Services to fund the agreements and the cost of administration.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Mains, McFadden, Norwood, Pritchard, Santiago - 6.

Nays - None - 0.

Councilmember Douglas abstained vote because his wife is an employee of one of the affiliated agencies.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-13 And
Ordinance No. 2004-14
Re: Agreement - Human Services Project

R2010: Campaign: 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Grantmakers Forum for the Rochester Effectiveness Partnership project, for a maximum cost of \$5,000, and amending the 2003-04 Community Development Block Grant Plan.

Rochester Effectiveness Partnership (REP) will finalize seven years of training on the use of participatory evaluation to ensure program excellence by preparing and presenting a final evaluation of its goals. This will include an overall evaluation of the project and its effect on individuals, nonprofit service provider

agencies, funders and other partners, as well as its impact on the field of evaluation in general. The end products will include public presentation of the REP process model, curriculum materials, and evaluation results. Some of the materials will be printed, and all of them will be posted on the Rochester Grantmakers Forum website, where it will be publicly available for use by other nonprofits. Due to these program modifications, REP has requested a 50% funding decrease during the final year, from \$10,000 to \$5,000.

The above project is considered a project with matching funds, and is eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981. This project is in its' fifth year of CDBG funding.

The most recent agreement for these services was approved by Council on December 17, 2002.

The cost of this agreement will be financed from the General Community Needs allocation of the 2003-04 Community Development Block Grant.

The 2003-04 CDBG plan will be amended as follows:

The \$5,000 remaining after the decrease to REP, will be appropriated to the Job Creation/Youth Development line for 2003-04.

\$45,000 originally allocated for Members Against Teen Pregnancy (MATP) program will be transferred to the Job Creation/Youth Development line for 2003-04. MATP is not being recommended for continuation funding due to performance and contract compliance issues. This results in a total amount of \$50,000 to be re-allocated to the Job Creation/Youth Development line for 2003-04.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-13
(Int. No. 14)

Authorizing An Agreement For The Rochester Effectiveness Partnership Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Grantmakers Forum for the Rochester Effectiveness Partnership Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$5,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-14
(Int. No. 15)

Amending The 2003-04 Community Development Program By Transferring Funds To The Job Creation/Youth Development Account

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 2003-04 Community Development Program Plan is hereby amended within the General Community Needs Allocation by transferring \$45,000 from the Members Against Teen Pregnancy Account and \$5,000 from the Rochester Effectiveness Partnership Account to the Job Creation/Youth Development Account.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
January 27, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 16 - Authorizing The Extension Of A Lead Agency Agreement Between The City Council And The Mayor Regarding Environmental Review

Int. No. 17 - Authorizing An Agreement For Operation Of The Washington Square Garage And The Wadsworth Square Parking Lot

Int. No. 18 - Amending Ordinances No. 2002-342, 2003-14 And 2003-195 To Cancel Taxes On Parcels Acquired For The West Ridge Road Improvement Project

Int. No. 19 - Authorizing The Acquisition By Negotiation Or Condemnation Of Easements For The West Ridge Road Public Improvement Project

Int. No. 20 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The West Ridge Road Improvement Project And Appropriating Funds

Int. No. 21 - Authorizing The Acquisition Of Parcels, Amending Ordinance No. 2003-14 And Appropriating Funds For The West Ridge Road Improvement Project, As Amended

Int. No. 22 - Establishing Maximum Compensation For An Agreement For A Columbarium Unit And Amending The 2003-04 Budget

Int. No. 27 - Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels And Permanent Easements For The Lexington Avenue Improvement Project

Int. No. 35 - Authorizing The Acquisition By Negotiation Or Condemnation Of Permanent Easements For The West Broad Street Public Improvement Project

The Parks, Public Works & the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 23 - Approving Increases In The Pavement Width Of Post Avenue

Int. No. 24 - Approving A Change In Traffic Flow On Stillson Street, From Main Street To Achilles Street, From Two-Way To One-Way Northbound

Int. No. 25 - Local Improvement Ordinance - Areaway Abandonment At 316 East Main Street And Repair At 60 Liberty Pole Way As A Part Of The Achilles Street Improvement Project

Int. No. 26 - Approving Changes In Traffic Flow On Canary Street, Lark Street, Holmes Street, Oriole Street And Finch Street And An Increase In The Pavement Width Of Lark Street

Int. No. 40 - Approving An Amendatory Professional Services Agreement For The River Street Waterfront Public Improvement Project, Appropriating Funds And Amending Ordinance No. 2002-49 And 2002-50, As Amended

Int. No. 41 - Approving The Need And Authorizing Applications For At-Grade Railroad Crossings As Part Of The River Street Waterfront Public Improvement Project

Int. No. 42 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Design Of The Fast Ferry Terminal And Facilities

Int. No. 43 - Appropriating Funds For The Fast Ferry Terminal Project

Int. No. 44 - Naming Of New Streets Previously Dedicated At The Port Of Rochester By Ordinance No. 2002-136 As Corrigan Street, North River Street And Portside Drive

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Adam C. McFadden
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-15
Re: Agreement - Environmental Review

Transmitted herewith for your approval is legislation authorizing an extension of the agreement between the City Council and the Mayor for the coordination of environmental review actions in which both parties are involved.

The requirement for environmental review of certain actions is specified by the NY State Environmental Quality Review Act and Chapter 48 of the City Code. When, under these regulations, more than one governmental body is involved in one of these actions, a lead review agency must be designated.

Such designation of a lead agency is merely procedural. It does not reflect any consideration of the actual substance or merits of the action. For all actions, the findings of the designated lead agency are presented with the proposed legislation (e.g., rezoning request

or developmental proposal).

Prior to 1987, for actions in which the Council was involved, the designation of a lead agency required formal approval by a majority of its members. This requirement occasionally resulted in a delay of up to three weeks, at that time, the typical period of time between Council meetings.

To eliminate this delay, on October 13, 1987, the Council authorized an agreement between the President and the Mayor that designated the Mayor as lead agency for all actions in which both parties are involved, unless - for any individual action - the President otherwise specified. Since then, the Council has periodically authorized the renewal of this agreement, most recently on January 15, 2002.

Under the proposed agreement, for any relevant action, the Mayor will continue to notify the Council that an environmental review is required and will be conducted by the Administration as lead agency. Upon receipt of this notification, the President will advise the Council in writing of the proposed action and request comments within 10 days. The President may, within the 10 day period, advise the Mayor that the provisions of the agreement will not apply and that formal consideration of the designation of a lead agency by the Council will instead be required.

The term of the proposed agreement will be two years, as was the case for the prior agreement.

Respectfully submitted,
William A. Johnson, Jr. Lois J. Giess
Mayor President

Ordinance No. 2004-15
(Int. No. 16)

Authorizing The Extension Of A Lead Agency Agreement Between The City Council And The Mayor Regarding Environmental Review

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The President of the Council is hereby authorized to enter into an extension of the agreement with the Mayor for a term of two years regarding the lead agency for environmental review pursuant to Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Municipal Code for actions which involve discretionary decisions by the City Council and the Mayor.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor and the City Council deem to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-16
Re: Washington Square Garage Operating Agreement

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Allright New York

Parking, Inc. for operation of the Washington Square Garage and adjacent surface parking lots.

Allright New York Parking, Inc. will pay the City 57% of gross revenue after taxes on the first \$1,300,000 plus 75% above \$1,300,000.

The Washington Square Garage and adjacent lots provide parking spaces for 1,656 vehicles as follows:

Garage	1,137 spaces
North Lot	185 spaces
South Lot	250 spaces
Wadsworth Square Lot	84 spaces

Currently, the garage and lots are operated by Donatelli, Inc., DBA Ralph Parking Company, under terms of an agreement authorized by City Council on January 19, 1999. The agreement expires on January 31, 2004.

In November 2003, the Municipal Parking Division of the Economic Development Department issued a Request for Proposals for operation of the Washington Square Garage and the adjacent lots. Proposals were received from the following parking companies:

- Donatelli, Inc., DBA Ralph Parking Company
- Allright New York Parking, Inc.
- ProPark, LLC.

The City's Municipal Parking staff reviewed and rated the proposals based on nine criteria with a numerical value assigned to each of them. The annual revenue return to the City was given the highest consideration in the proposal review. Allright New York Parking, Inc. received the highest rating and is recommended to operate the garage and lots. Copies of the staff rating sheets are attached.

The agreement will have an initial term of two years with provision for renewal, upon mutual consent, for two (one-year) extensions. Allright New York Parking, Inc. will be responsible for all garage-related operating expenses.

Current annual rent revenue to the City from the current operator is \$817,476. Based on projected annual garage revenues of \$1,345,000 the City will receive \$774,750.00 annual rent from Allright New York Parking for February 2004-January 2005.

The table below shows the change in car counts and revenue from 2001-02 to 2002-03.

<u>Change in Car Count</u>	<u>Change in Revenue</u>
monthly passes	
negligible	+5.1%
daily parking	
-63%	-63%
short term parking	
-4%	-1.62%
evening/special event	
+3%	+4%

The decrease in projected revenue is primarily due to the decrease in daily parking.

Allright New York Parking, Inc. is a subsidiary of Central Parking Corporation, the world's largest public operator of parking services. Allright New York has operated parking facilities in Rochester for many years. The company currently operates the Genesee Crossroads Garage for the City and numerous private parking lots in Central City Rochester.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-6

Ordinance No. 2004-16
(Int. No. 17)

Authorizing An Agreement For Operation Of The Washington Square Garage And The Wadsworth Square Parking Lot

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Allright New York Parking, Inc. for operation of the Washington Square Parking Garage and adjacent surface parking lots, and the Wadsworth Square Parking Lot. The agreement shall obligate Allright to pay to the City 57% of the gross revenue after taxes on the first \$1,300,000 annually, and 75% of the gross revenue after taxes above \$1,300,000 annually. The agreement shall obligate Allright to be responsible for all operating expenses of the garage and lots. The agreement will have an initial term of two years with provision for renewal, upon mutual consent, for 2 additional one-year terms.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-17, 2004-18, 2004-19, And 2004-20
Re: West Ridge Road Public Improvement Project (Hanford Landing Road to the Veteran's Memorial Bridge)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the West Ridge Road Public Improvement project. This legislation proposes:

1. Amending Ordinance No. 2003-14, regarding property acquisitions, to reflect changes that were made during negotiation with property owners and final design of the project;
2. Authorizing acquisition, by negotiation or condemnation, of two permanent easements required for construction of bus shelters as part of the project;
3. Authorizing acquisition of a temporary easement at 101-111 West Ridge Road;
4. Amending Ordinance Nos. 2003-14, 2003-195, 2002-342, regarding acquisition of properties to include cancellation of City taxes and other current-year charges against the properties from the date of the closing forward for each of full taking authorized therein;
5. Authorizing an amendatory agreement with

Bergmann Associates, 200 First Federal Plaza, for additional design services required to complete the project. The cost for the additional services requested herein is \$190,000, and will increase the total cost for design services from \$1,633,000 to \$1,823,000; and

- 6. Authorizing a total of \$175,000 in anticipated federal (\$140,000) and state (\$35,000) reimbursements to finance a portion of the cost of the project.

This project involves the reconstruction of West Ridge Road, from Hanford Landing Road to the Veteran's Memorial Bridge. This reconstruction will include a significant realignment of West Ridge Road, beginning west of the Lake Avenue intersection to the Veteran's Memorial Bridge. The westbound and eastbound travel lanes of West Ridge Road between Lake Avenue and the Veteran's Memorial Bridge will be divided creating a parkway like landscaped median transition zone in an effort to encourage reduced speeds of westbound vehicles leaving the expressway and entering the Maplewood Neighborhood. The project also provides for a new two-way frontage road in front of the houses to remain on the south side of West Ridge Road between Ridgeway Avenue and Maplewood Drive, and replacement of the existing pedestrian bridge over West Ridge Road near Maplewood Drive. Select replacement and adjustment of utilities, drainage improvements, signalized intersection upgrades, various landscaping, trail and sidewalk improvements will also be included in the project. It is a goal of this project to accommodate traffic in a safe and efficient manner while also addressing neighborhood concerns and initiatives, and improving the pedestrian environment.

Ordinance No. 2003-14, authorized by Council on January 14, 2003, included acquisition of the following properties as described below:

<u>Property</u> <u>Reputed Owner</u>	<u>Amount</u>
1540-1550 Lake Avenue (pt) Irv Starr	\$ 1,000
1560 Lake Avenue (pt) Michael J. Piehler Trustee	499,000
72 West Ridge Road (pt) Michael J. Piehler Trustee	(total for 5 properties)
60 West Ridge Road (pt) Michael J. Piehler Trustee	
39 Redwood Road (pt) Michael J. Piehler Trustee	
45 Redwood Road Michael J. Piehler Trustee	
145 West Ridge Road (pt) Eastman Kodak Company	197,800

(pt) = partial taking

However, since January, 2003, the property at 1540-1550 Lake Avenue has been sold by Irv Starr to Piehler. Also, certain of these parcels have been re-valued based on property description and design changes. As a result, Ordinance No. 2003-14 will be amended to authorize this taking by the City from Michael J. Piehler, Trustee and to revise the total payment to Piehler to \$875,000, an amount negotiated by Corporation Counsel.

The acquisition of property from Eastman Kodak has also been revised and Corporation Counsel has negotiated a purchase for this property in the amount of \$279,400, which includes payment to Kodak for the uneconomic remnant which results from the partial taking at 145 West Ridge Road.

These changes increase the total cost of acquisition authorized by on January 14, 2003 from \$918,815 to \$1,375,415, plus all necessary closing costs, which shall be funded from the appropriations authorized by Council on October 15, 2002.

The acquisitions of easements proposed herein are as follows:

<u>Property</u> <u>Reputed Owner</u>	<u>Amount</u>
1490 Lake Avenue (pe) Ronald Benderson, et al. (Eckerd's)	\$1,700
1467 Lake Avenue (pe) Mobil Oil Corporation	1,100
101-111 West Ridge Road (te) Irv Starr	1,600

(pe) = permanent easement
(te) = temporary easement

The acquisitions at Eckerd's and at Mobil will provide for construction of bus shelters and the easement at 101-111 West Ridge Road is required for access during construction. The purchase of these easements shall be funded from the appropriations authorized by Council on October 15, 2002.

Ordinance Nos. 2003-14, 2003-195, and 2002-342 are being amended to include the required cancellation of taxes which was erroneously omitted in the previous authorizations. A list of these properties is attached.

The amendatory agreement with Bergmann Associates, Inc. is required to provide for design revisions which are being made in response to community concerns and as a result of negotiations to acquire properties and preparation of contract documents for the demolition of the structures which are being acquired. The additional cost of \$190,000 will be financed from current and previously approved federal and state reimbursements. The original agreement was authorized by Council on April 18, 2000 in the amount of \$1,343,600, and the first amendatory agreement was authorized on February 12, 2002 in the amount of \$289,400.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-17
(Int. No. 18)

Amending Ordinances No. 2002-342, 2003-14 And 2003-195 To Cancel Taxes On Parcels Acquired For The West Ridge Road Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinances No. 2002-342, 2003-14 and 2003-195, relating to the acquisition of parcels for the West Ridge Road Improvement Project, are

hereby amended by adding thereto the following new paragraph at the end of the acquisition sections in each ordinance:

City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-18
(Int. No. 19)

Authorizing The Acquisition By Negotiation Or Condemnation Of Easements For The West Ridge Road Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of easements over the following parcels for the construction and maintenance of municipal improvements as a part of the West Ridge Road Public Improvement Project:

Property Reputed Owner	Amount
(PE) 1490 Lake Avenue Ronald Benderson, et al.	\$1,700
(PE) 1467 Lake Avenue Mobil Oil Corporation	1,100
(TE) 101-111 West Ridge Road Irv Starr	1,600
(TE) Temporary Easement (PE) Permanent Easement	

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$4,400, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the appropriations made in Ordinance No. 2002-342.

Section 3. In the event that any or all of said easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said easements.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-19
(Int. No. 20)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The West Ridge Road Improvement Project And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$190,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates for engineering and design services for the West Ridge Road Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the appropriation of federal and state funds made herein and made previously for this project.

Section 2. The sum of \$140,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration in order to fund the West Ridge Road Improvement Project.

Section 3. The sum of \$35,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the State of New York in order to fund the West Ridge Road Improvement Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-20
(Int. No. 21, As Amended)

Authorizing The Acquisition Of Parcels, Amending Ordinance No. 2003-14 And Appropriating Funds For The West Ridge Road Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-14, relating to the acquisition of parcels for the West Ridge Road Improvement Project, as amended, is hereby further amended by changing the acquisition amounts for the following parcels, and the owner of the final parcel, to read as follows:

Property Address Reputed Owner	SBL# Type	Amount
(PT) 145 W. Ridge Rd Eastman Kodak Company	090.43-3-4.2 Commercial	\$279,400
(PT) 72 W. Ridge Rd Michael J Piehler Trustee	090.44-1-39 Commercial	
(PT) 60 W. Ridge Rd Michael J Piehler Trustee	090.44-1-84 Commercial	
(PT) 39 Redwood Rd Michael J Piehler Trustee	090.44-1-02 Commercial	
(PT) 1560 Lake Ave Michael J Piehler Trustee	090.44-1-1 Commercial	
45 Redwood Rd Michael J Piehler Trustee	090.44-1-3 Commercial	
(PT) 1540-1550 Lake Ave Michael J Piehler Trustee	090.44-1-38 Commercial	875,000 (total)

(PT) = Partial Taking

The Council further authorizes the restoration of the Kodak parking lot, in addition to the monetary compensation for the partial taking, as a part of the West Ridge Road Improvement Project.

Section 2. The acquisition costs shall be funded from the appropriations made in Ordinance No. 2002-342 and herein.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-21
Re: Amend the DPRHS Cemeteries Budget

R2010: Campaign 7 - Fiscal Responsibility

Transmitted herewith for your approval is legislation authorizing an amendment to the 2003-04 DPRHS-Cemeteries Cash Capital budget in the amount of \$29,000 and authorizing an agreement with Eickoff Columbarium LLP for an amount not to exceed \$28,000. The additional \$1,000 is for installation expenses that will be completed by the City.

Currently, Mt. Hope Cemetery does not offer niches for crematory urns. Staff research concludes that the most cost-effective columbarium is a 96 niche unit containing 192 spaces for inurnments offered by Eickoff. The suggested selling price will be \$1,800 for each double unit, yielding a net profit of \$117,800 plus urn sales and service fees.

The source of funds for this amendment is the Cemetery Fund balance.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AD-7

Ordinance No. 2004-21
(Int. No. 22)

Establishing Maximum Compensation For An Agreement For A Columbarium Unit And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$28,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Eickoff Columbarium LLP for a columbarium unit at Mt. Hope Cemetery. Said amount shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$29,000, which amount is hereby appropriated from the Cemetery Fund.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-22 And
Ordinance No. 2004-26
Re: Lexington Avenue Improvement
Project (Mt. Read Boulevard to
Dewey Avenue)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Lexington Avenue Public Improvement Project from Mt. Read Boulevard to Dewey Avenue. This legislation proposes:

1. Authorizing changes in direction of travel on Canary Street, Lark Street, Holmes Street, Oriole Street and Finch Street; and pavement width on Lark Street, all between Lexington Avenue and Driving Park Avenue, as follows:
 - a. Change the direction of travel on Canary Street from one-way northbound to one-way southbound;
 - b. Change the direction of travel on Lark Street from one-way southbound to one-way northbound;
 - c. Change the direction of travel on Holmes Street from one-way northbound to one-way southbound;
 - d. Change the direction of travel on Oriole Street from one-way southbound to one-way northbound;
 - e. Change the direction of travel on Finch Street from one-way northbound to two-way; and
 - f. Increase pavement width of 6 feet, from 24 feet to 30 feet, on the east side of Lark Street from Lexington Avenue to Driving Park Avenue to provide recessed parking.
2. Authorizing acquisition, by negotiation or by condemnation, of four (4) parcels and seven (7) permanent easements required for right-of-way purposes.

Design of the Lexington Avenue Public Improvement Project by the Sear Brown Group was authorized by Council on September 17, 2002. The project includes rehabilitation, reconstruction and reconfiguration of the roadway; intersection improvements; and installation of new drainage, curbs, sidewalks, water distribution system, signage, traffic signals, pavement markings, and streetscape improvements.

The City is administering the project on behalf of the New York State Department of Transportation (NYS-DOT) under an agreement authorized by City Council on November 20, 2001. City Council authorized pavement width modification for Lexington Avenue on August 26, 2003.

During the public meeting held on June 18, 2003, a change in the student drop-off and pickup operations near the school was proposed. This change was to move the bus loading zone onto Lark Street and to reverse the direction of flow for the one-way streets so that student drop-off occurred on the school side of the streets. This proposal was discussed and endorsed by the Rochester City School District and a second public meeting was held on September 24, 2003 to specifically discuss this proposal. This proposal had general

support at that public meeting. Following the meeting, a petition was mailed to all affected property owners. Of the total affected property owners, 20% (15 out of 75) responded to the petition, of those received, 87% (13 of 15) supported the proposed changes.

The proposed changes will provide for circulation around School #34 and will provide bus loading and unloading on the school side. The proposed pavement width change on Lark Street will provide for recessed parking beside School #34.

The values for the proposed acquisitions, established by an independent appraisal from Robert J. Pogel, are as follows:

Parcels:

Address Owner	Sq. Ft.	Value
1390 Mt. Read Blvd John M. Summers	16	\$ 100
785 Lexington Avenue Elmer & Sylvia Duncan	95	200
781 Lexington Avenue Roger Claybourne	465	800
186 Norman Street Rappl & Hoenig Co.	579	1,900

Easements:

Address Owner	SBL#	Sq. Ft.	Value
Lexington Avenue area (see maps)			
Rochester & Southern RR	120.21-1-5.1	249	\$ 100
Rochester & Southern RR	120.21-1-5.1	26	100
Rochester & Southern RR	90.32-1-82.2	343	200
Rochester & Southern RR	90.32-1-82.2	244	100
New York Central Lines LLC	90.40-1-42.2	1,936	350
754 Lexington Avenue			
720 Lexington Avenue Group	105.24-1-1	198	600
891 Lexington Avenue			
Delphi Automotive Systems, LLC	105.23-1-1	2,020	1,400

The acquisition of the four parcels and the five easements from the railroads are required for sidewalk purpose; the easement at 754 Lexington Avenue is required for construction and maintenance of water main improvements and the easement at 891 Lexington is required for construction and maintenance of traffic features. The cost of the acquisitions will be financed from the 2002-03 Cash Capital allocation.

The current estimated cost of the project is \$5,483,000. Based on this estimate, the distribution of this cost would be as follows:

Federal Highway	\$4,386,000
State/Marcheselli	822,000
City Street	240,000
City Water	22,000
Pure Waters	8,000
MC Traffic	5,000
Total	\$5,483,000

It is anticipated that design of the project will be completed this Winter and that construction will begin in Spring 2004 and be substantially completed by Summer 2005.

Public meetings were held on June 18, 2003 and September 24, 2003. Minutes of the June 18 meeting were previously transmitted to Council. Minutes of the September 24 meeting are attached.

The direction of travel changes and pavement width change were presented to the Traffic Control Board for its endorsement at the October 21, 2003 meeting.

A public hearing on the pavement width changes and traffic flow is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-8

Ordinance No. 2004-22
(Int. No. 27)

Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels And Permanent Easements For The Lexington Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcels for the construction and maintenance of municipal improvements as a part of the Lexington Avenue Improvement Project:

Address Owner	SBL#	Sq. Ft.	Value
1390 Mt. Read Blvd. John M. Summers	105.22-1-3	16	\$ 100
785 Lexington Avenue Elmer & Sylvia Duncan	105.24-1-10	95	200
781 Lexington Avenue Roger Claybourne	105.24-1-9.1	465	800
186 Norman Street Rappl & Hoenig Co.	105.24-1-3	579	1,900

Section 2. The Council hereby approves the acquisition of permanent easements over the following parcels for the construction and maintenance of municipal improvements as a part of the Lexington Avenue Improvement Project:

Address Owner	SBL#	Sq. Ft.	Value
Rochester & Southern RR	120.21-1-5.1	249	\$ 100
Rochester & Southern RR	120.21-1-5.1	26	100

Rochester & Southern RR			
90.32-1-82.2	343	200	
Rochester & Southern RR			
90.32-1-82.2	244	100	
New York Central Lines LLC			
90.40-1-42.2	1,936	350	
754 Lexington Avenue			
720 Lexington Avenue Group			
105.24-1-1	198	600	
891 Lexington Avenue			
Delphi Automotive Systems, LLC			
105.23-1-1	2,020	1,400	

Section 3. The acquisitions shall obligate the City to pay an amount not to exceed \$5,850, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2002-03 Cash Capital Allocation.

Section 4. In the event that any or all of said parcels and easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels and easements.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-26
(Int. No. 26)

Approving Changes In Traffic Flow On Canary Street, Lark Street, Holmes Street, Oriole Street And Finch Street And An Increase In The Pavement Width Of Lark Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a change in direction of the traffic flow on Canary Street, between Lexington Avenue and Driving Park Avenue, from one-way northbound to one-way southbound.

Section 2. The Council hereby approves a change in direction of the traffic flow on Lark Street, between Lexington Avenue and Driving Park Avenue, from one-way southbound to one-way northbound.

Section 3. The Council hereby approves a change in direction of the traffic flow on Holmes Street, between Lexington Avenue and Driving Park Avenue, from one-way northbound to one-way southbound.

Section 4. The Council hereby approves a change in direction of the traffic flow on Oriole Street, between Lexington Avenue and Driving Park Avenue, from one-way southbound to one-way northbound.

Section 5. The Council hereby approves a change in direction of the traffic flow on Finch Street, between Lexington Avenue and Driving Park Avenue, from one-way northbound to two-way.

Section 6. The Council hereby further approves an increase in the pavement width of Lark Street of six feet, from 24 feet to 30 feet, to provide for recessed parking along the east side, between Lexington Avenue and Driving Park Avenue.

Section 7. Such changes and additional changes as a part of the Lexington Avenue Improvement Project

shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-23
Re: West Broad Street Public
Improvement Project (Brown
Street to Lyell Avenue)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation that will authorize acquisition, by negotiation or condemnation, of three (3) permanent easements required for highway purposes as part of the West Broad Street Public Improvement Project.

Preliminary design of this project began in 1998, but final design was deferred pending decision on redevelopment in that area. When the Broad Street location was selected as the site of the PaTec Soccer Stadium, City Council authorized, on August 26, 2003, an amendatory agreement with FRA Engineering, P.C. to resume design of the street improvement project. The easements requested herein, are required to accommodate construction of sidewalk and sidewalk ramp improvements. The cost of the easements will be financed from the 2000-01 Cash Capital allocation and include the following:

Location	Sq. Ft.	Value
Owner		
242 Jay Street	86	\$250
Joseph M. Petrillo		
827 West Broad Street	13	100
Frances A. Leo		
940 West Broad Street	91	300
Western Regional Off-Track Betting		

Legislation related to dedication of right-of-way in connection with this project will be submitted at a future date.

The public improvement project features include reconstruction of pavement; installation of curbs, concrete sidewalks, and driveway aprons; a water main replacement and hydrant and water service upgrades; drainage, street lighting and landscaping improvements; and new pavement markings and signalized intersection improvements.

Construction of the project is anticipated to begin in Spring 2004, and be completed in Fall 2004. The project was presented at a public information meeting on October 29, 2003, the minutes of which are on file in the City Clerk's Office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-9

Ordinance No. 2004-23
(Int. No. 35)

(Int. No. 23)

Authorizing The Acquisition By Negotiation Or Condemnation Of Permanent Easements For The West Broad Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of permanent easements over the following parcels for the construction and maintenance of municipal improvements as a part of the West Broad Street Public Improvement Project:

Address SBL#	Owner	
	Sq. Ft.	Value
242 Jay Street 105.84-1-6	86	Joseph M. Petrillo \$250
827 West Broad Street 105.75-2-41	13	Frances A. Leo 100
940 West Broad Street OTB 105.67-2-19.7	91	Western Regional 300

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$650, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2000-01 Cash Capital Allocation.

Section 3. In the event that any or all of said easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said easements.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-24
Re: School 16/Post Avenue

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing changes in the pavement width on Post Avenue adjacent to School 16 as follows:

Increase the pavement width by 10 feet, beginning at a point 25 feet north of the south lane of Aberdeen Street for a distance of 135 feet north, then a recess 20 feet north of the north lane of Aberdeen Street for a distance of 110 feet north of the north lane.

The changes will provide for installation of a drop-off/pick-up zone as requested by the Rochester City School District (RCSD). The construction will be administered and financed by the RCSD and is scheduled to be completed during the Summer of 2004.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-10

Ordinance No. 2004-24

Approving Increases In The Pavement Width Of Post Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase in the pavement width of Post Avenue of ten feet, from a point twenty-five feet north of the south lane of Aberdeen Street for a distance of 135 feet north, and from a point twenty feet north of the north lane of Aberdeen Street for a distance of 110 feet north.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-25 And Local
Improvement Ordinance No. 1523
Re: Achilles Street Improvement Project/
Change in Direction of Traffic Flow

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation relating to the Achilles Street Improvement Project. This legislation proposes:

1. Authorizing a change in the direction of traffic flow on Stillson Street (Main Street-Achilles Street) from two-way to one-way northbound (see attached map);
2. Appropriating a total of \$7,500 from the Local Improvement Fund to finance the cost to retain one areaway and to abandon another; and
3. Authorizing the subsequent assessment of this amount against the affected properties to replenish the Local Improvement Fund.

The change in direction of traffic flow is being proposed at the request of a private developer, Triangle Building Associates (a subsidiary of Flaum Management) in connection with the abandonment of Stillson Street, authorized by Council on January 14, 2003. As part of the Achilles Street Public Improvement Project, it was determined that the remaining portion of Stillson Street (Main Street to Achilles Street) should be converted to a one way north bound. The change was presented at a public meeting and there was no opposition to the change.

There are two areaways within the project area. The Salvation Army will retain its areaway and has requested that the City's contractor perform the work and that the City assist in financing the cost through a Local Improvement Ordinance. The cost of this work will be repaid at 1% above the City's borrowing rate in three (3) equal annual installments. Jalynn, Inc. agrees to abandon their areaway and the City will assist them by financing their share of the cost, also through a Local Improvement Ordinance (LIO). The cost of this work will be paid back at 1% above the City's

borrowing rate in two (2) equal annual installments. The City's share of the abandonment costs pursuant to the City's Areaway Policy is estimated to be \$500 and will be financed from 2000-01 Department of Environmental Services T-4 Street Bond.

Name	LIO Amount
Address	
The Salvation Army 60 Liberty Pole Way	\$5,000
Jalynn, Inc. 316 E. Main Street	2,500

A public information meeting was held on October 14, 2003. Minutes of this meeting are attached.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-11

Ordinance No. 2004-25
(Int. No. 24)

Approving A Change In Traffic Flow On Stillson Street, From Main Street To Achilles Street, From Two-Way To One-Way Northbound

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a change in direction of the traffic flow on Stillson Street, between Main Street and Achilles Street, from two-way to one-way northbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1523
(Int. No. 25)

Local Improvement Ordinance - Areaway Abandonment At 316 East Main Street And Repair At 60 Liberty Pole Way As A Part Of The Achilles Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the Achilles Street Improvement Project, the Council hereby authorizes the special treatment of the areaway at 316 East Main Street in the form of the abandonment of said areaway, and the special treatment of the areaway at 60 Liberty Pole Way in the form of the repair of said areaway, and the construction or reconstruction of the necessary incidentals thereto, in accordance with plans and specifications prepared or approved by the City Engineer.

Section 2. The improvements and work described in Section 1 shall be constructed in accordance with the provisions of Chapter 10 of the Municipal Code and shall be done by contract.

Section 3. The limits of the District of Assessment for the improvements and work shall be the following property, in amounts not to exceed the following:

Address	Owner
---------	-------

SBL No.	Amount
60 Liberty Pole Way 106.80-2-41.1	Salvation Army \$5,000
316 East Main Street 106.80-2-36	Jalynn, Inc. 2,500

Section 4. The cost of improvements and work described in Section 1, including the cost of any necessary professional design and engineering work, not to exceed \$7,500, plus interest at a rate 1% above the City's "latest borrowing rate" on the unpaid balance, shall be assessed on the property within the limits of the district of assessment described above, in the amounts set forth above. The Council hereby deems such property to be benefited by such improvements and proper to be assessed therefor. The City's "latest borrowing rate" shall be the most recent rate at which the City shall have sold long-term bonds prior to the date of initial billing of the assessments.

Section 5. The assessments shall be billed after the completion of the improvements and work described, and shall be due in two equal annual installments for the property at 316 East Main Street and in three equal annual installments for the property at 60 Liberty Pole Way. Any assessment not paid by May 15 after its due date may be added to the upcoming annual tax bill for the property.

Section 6. The total cost of said improvements and work, up to \$7,500, shall be charged as described in this ordinance and paid from the local improvement fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-27, 2004-28,
2004-29, 2004-30. And 2004-31
Re: Port of Rochester Harbor Public
Improvement Project

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation related to the Port of Rochester Harbor Improvement Project. The legislation proposes:

1. Authorizing an amendatory agreement with FRA Engineering, 245 Summit Point Drive and amending Bond Ordinance No. 2002-50 by \$150,000, for additional design services related to the River Street Waterfront Improvement Project. The original agreement with FRA was approved by Council on March 19, 2002 for \$400,000. This will bring the total cost of the agreement to \$550,000.
2. Appropriating \$150,000 from anticipated reimbursements from New York State Department of State (NYS DOS) for design of the river front

promenade which is a part of the River Street Waterfront Improvement Project and amending Ordinance No. 2002-49 to reflect the above proposed appropriation.

3. Approving the need and authorizing application to New York State for establishment of two new at-grade railroad crossings as part of the River Street Waterfront Improvement Project.
4. Authorizing an amendatory agreement with Nancy Burton, AIA, 157 South Fitzhugh Street, in the amount of \$40,000, for professional services related to design of the Fast Ferry Terminal and Facilities. The cost of the increase will be financed from the 1999-2000 Cash Capital Allocation.
5. Appropriating \$1,987,000 from anticipated reimbursements from the Federal Highway Administration, Section 330 Funds to finance a portion of the cost for construction of the Fast Ferry Terminal.
6. Amending the Official Map to name three new streets constructed within the Port site which were dedicated as right-of-way on May 14, 2002.

River Street Waterfront Improvement Project

During the initial planning and design phase of the port site, it was determined that the extension of River Street into the port site would result in the elimination of parking for the Monroe County boat launch facilities. It was also determined that retaining the boat launch facilities within the port site would not be the best use for the site. The boat launch, however, is a park facility and in the public interest, will be replaced. Alternate locations for the new facilities have been evaluated and it is proposed that the facility be re-built at two separate locations. One would be on the west bank in the vicinity of Petten Street; the second would be on the east bank, located beneath and adjacent to the Colonel Patrick O'Rorke Bridge. The concept was presented to the Town of Irondequoit and subsequently adopted in the Town's master plan for the waterfront. It is proposed that the scope of the project now be expanded to include design of the boat launch facilities.

City Council authorized design of the River Street Waterfront project on March 19, 2002 in the amount of \$400,000. The consultant, FRA Engineering, given its familiarity with the project, is recommended to complete design of the boat launch facilities. The proposed amendatory agreement in the amount of \$150,000, will provide for the additional services required to complete design of boat launch facilities and additional design necessary for the remediation and permitting required as a result of the CSX train derailment. The cost of the amendatory agreement will be financed from Bond Ordinance No. 2002-50, which will be amended to include the design and engineering of boat launch facilities on the east and west banks of the Genesee River.

Additionally, Ordinance No. 2002-49 will be amended to reflect financing a portion of the design cost (for the promenade and public access improvements) from the appropriation of anticipated reimbursements from a NYSDOS matching grant. On September 19, 2000, City Council authorized the application and subsequent agreement with the NYSDOS for a Local Waterfront Revitalization Program grant for the River Street river front promenade. The New York

Department of State notified the City of the grant award in July 2002.

Also, as part of the River Street Waterfront Project the City will apply to the New York State, Commissioner of Transportation to request two new at-grade railroad crossing of the railroad tracks, a public access crossing at Latta Road and the other a private crossing for service and maintenance access. Application to the State requires legislative approval of the need for the new crossings.

Port of Rochester/Fast Ferry Terminal & Port Site

The original agreement with Nancy Burton, AIA was authorized on November 19, 2002, and provided coordination and management of the final design and bidding of the fast ferry terminal and facilities. However, the design changes imposed by the new U.S. Customs and Border Protection Bureau of the Homeland Security Department were extensive and required more hours than originally anticipated. The \$40,000 increase will be financed from the 1999-2000 Cash Capital allocation.

The proposed appropriation of the Federal Highway, Section 330 funds, \$1,987,000, will provide for the construction of terminal facilities; a passenger linking structure which will include an elevator, escalator and baggage claim carousel; a pedestrian gangway; and a vehicle access ramp.

The proposed Official Map Amendment which names the three new streets dedicated by Council last May, was presented to the City Planning Commission on December 15, 2003. At that meeting, the Commission recommended the naming by a vote of four to one (4-1).

A public hearing on the map amendment is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-27
(Int. No. 40, As Amended)

Approving An Amendatory Professional Services Agreement For The River Street Waterfront Public Improvement Project, Appropriating Funds And Amending Ordinance No. 2002-49 And 2002-50

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and FRA Engineering, P.C. for additional engineering design services for the River Street Waterfront Public Improvement Project and the design of new boat launch facilities on the east and west banks of the Genesee River. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from Bond Ordinance No. 2002-50.

Section 2. There is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation the sum of \$150,000, or so much thereof as may be necessary, to fund the design of the riverfront promenade as a part of the

River Street Waterfront Public Improvement Project. Said amount shall replace funds from Bond Ordinance No. 2002-50 for this purpose, and Ordinance No. 2002-49 is amended to reflect this substitution.

Section 3. Ordinance No. 2002-50, a bond ordinance in the amount of \$400,000 for the design of the River Street Waterfront Public Improvement Project, is hereby amended by increasing the scope of the Project to include the design of new boat launch facilities on both the east and west sides of the Genesee River. The total estimated cost of the Project is amended to be \$550,000, of which \$400,000 shall be funded from Bond Ordinance No. 2002-50, and \$150,000 shall be funded from the appropriation made in Section 2 of this ordinance.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2004-28
(Int. No. 41)

Approving The Need And Authorizing Applications For At-Grade Railroad Crossings As Part Of The River Street Waterfront Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the need for and authorizes the Mayor to submit applications to the New York State Department of Transportation for two new at-grade railroad crossings as part of the River Street Waterfront Public Improvement Project, in the form of a public access crossing at Latta Road and a private crossing for service and maintenance access.

Section 2. The applications shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-29
(Int. No. 42)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Design Of The Fast Ferry Terminal And Facilities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Nancy H. Burton, AIA, for design of the Fast Ferry Terminal and Facilities. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 1999-2000 Cash Capital Allocation.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

Ordinance No. 2004-30
(Int. No. 43)

Appropriating Funds For The Fast Ferry Terminal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$1,987,000, or so much thereof as may be necessary, to fund the Fast Ferry Terminal Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-31
(Int. No. 44)

Naming Of New Streets Previously Dedicated At The Port Of Rochester By Ordinance No. 2002-136 As Corrigan Street, North River Street And Portside Drive

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by naming the street dedicated to street purposes in Section 1 of Ordinance No. 2002-136 as Corrigan Street.

Section 2. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by naming the street dedicated to street purposes in Section 2 of Ordinance No. 2002-136 as North River Street.

Section 3. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by naming the street dedicated to street purposes in Section 3 of Ordinance No. 2002-136 as Portside Drive.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
January 27, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 28 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 29 - Cancellation Of Taxes And Charges

Int. No. 30 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Police-Community Relationships Study

Int. No. 31 - Authorizing An Application And Agreement With Respect To Unsafe Driving And Amending The 2003-04 Budget

Int. No. 32 - Approving Participation In The Greater Rochester Area Narcotics Team And Amending The 2003-04 Budget By Appropriating Forfeiture Funds

Int. No. 33 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance of \$120,000 Bonds Of Said City, To Finance The Costs Of The Replacement Of The Roof On The Hudson Avenue Fire Facility Within The City

Int. No. 36 - Local Law Amending The City Charter With Respect To Conflicts Of Interest

Int. No. 37 - Amending Ordinance No. 2002-201 And The Municipal Code With Respect To Alarm User Permit Fees

Int. No. 38 - Amending Ordinance No. 2002-354 And The Municipal Code With Respect To Amusement Centers

The Finance & Public Safety Committee recommends for consideration the following entitled legislation:

Int. No. 39 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$17,532,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-32
Re: Authorization - Tax Cancellations
and Refunds

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous ad valorem taxes, charges and fees during 2004.

Each year, approximately 63,200 tax bills are issued by the City. In 2002-03, the most recently completed fiscal year, these bills contained City and School taxes, charges and fees totaling \$166,997,460.

Of this amount, taxes and charges totaling \$1,340,610 or .80% of the total levy, subsequently were determined to be erroneous and were canceled. These cancellations involved 1,952 accounts or 3.08% of the total number.

Pursuant to Section 556 of the N.Y.S Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions.

Such delegation was initially approved by the Council on March 24, 1987. Under Chapter 515 of the Laws of 1997, the maximum authorized to be canceled administratively is \$2,500.

Approval of this authorization is required annually, and the authorization to cancel charges up to the amount of \$1,000 was most recently approved on January 14, 2003. During calendar year 2003, the Director of Finance authorized cancellations totaling \$33,020.22 for 128 accounts.

Reapproval of this delegation of authority is requested for 2004. As you are aware, the purpose of such delegation is to reduce the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to be applicable:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the 15th day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-32
(Int. No. 28)

Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less;
- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month; and
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of tax reserve (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2004.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-33
Re: Cancellation or Refund of Erroneous
Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$26,175.29.

An amount of \$22,696.17 or 86.71% of the total, relates to five properties that had code violation, rehabilitation and delinquent water charges that were voided by a special tax foreclosure action.

A sum of \$2,437.34 or 9.31% of the total, is attributed to one property eligible for a 100% religious exemption which excludes it from any Supplemental Tax.

An amount of \$1,041.78 or 3.98% reflects the granting of a Senior Citizens and Enhanced STAR tax exemption to one property.

If this cancellation is approved, total cancellations thus far for 2003-04 will be \$101,065.84.

	Accounts	Amounts
City Council	21	\$ 79,496.16
Administrative	79	21,569.68
Total	100	\$101,065.84

These cancellations represent .047% of the tax receivables as of July 1, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-33
(Int. No. 29)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) The properties listed below were purchased from the City of Rochester in a special tax foreclosure action on March 28, 2003. The code violation, rehabilitation and delinquent water charges attributed to the former owners were voided by that action.

S.B.L.#	Class	Amount Canceled
Address	Tax Year	
090.340-0001-004	N	\$
3,029.20		
1683 Dewey Ave.	2004	
090.340-0002-041	N	
2,535.80		
1630 Dewey Ave.	2004	
105.660-0003-022	N	
2,177.75		
361 Lyell Ave.	2004	
105.740-0003-002	N	
13,035.92		
367 Orchard St.	2004	
121.770-0001-025	N	—
1,917.50		
27-31 Riverview Pl.	2004	
\$22,696.17		

- (b) This property is entitled to full religious exemption on 2003 Final Assessment Roll. The tax exempt status of the property excludes it from any Supplemental Tax.

S.B.L.#	Class	Amount Canceled
Address	Tax Year	
121.440-0001-061	N	\$
2,437.34		
29 Vick Park A	2004	

- (c) This property is entitled to a Senior Citizens and Enhanced STAR tax exemption on the 2003 Final Assessment Roll.

S.B.L.#	Class	Amount Canceled
Address	Tax Year	
107.240-0002-022	N	\$
1,041.78		
1804 Culver Rd.	2004	
Grand Total		\$26,175.29

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-34
Re: Amending Police/Community Relations Professional Service Agreement, Center for Governmental Research

R2010: Campaign 1 - Involved Citizens
Campaign 3 - Health, Safety and Responsibility

Transmitted herewith is legislation amending Ordinance No. 2003-69, which authorized an agreement with the Center for Governmental Research (CGR), One South Washington Street, Rochester, NY, for research and reporting on the topic of police community relations in Rochester. The requested amendment would increase the maximum amount payable to CGR by \$17,500, raising this total from the initial amount of \$39,500 to \$57,000. The source of funds is the Administration appropriation (Mayor's Office) of the 2003-04 Operating Budget. The amendment would also extend the term of the agreement to June 30, 2004.

City Council authorized the initial agreement with CGR on March 11, 2003. Its purpose was to develop a report on police and community relations from both local and national perspectives. The purpose under the amended agreement will remain the same. However, the work performed to date has revealed additional research opportunities that will enhance the value of the final report. These include:

- Follow-up interviews with persons and groups initially contacted;

The inclusion of up to ten additional interviews and/or focus groups with selected sworn members of the Rochester Police Department;

A process for obtaining additional input from the general public;

Further analysis of relevant Civil Service and collective bargaining issues; and

Further research on up to five other communities for comparative and "best-practices" purposes.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-34
(Int. No. 30)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Police-Community Relationships Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$17,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Center for Governmental Research, Inc. for a study of the relationships between the Rochester Police Department and the community that it serves. Said amount shall be funded from the 2003-04 Budget of the Mayor's Office.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-35
Re: Agreement - NYS Governor's Traffic Safety Committee for S.T.E.P. Grant

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the NYS Governors Traffic Safety Committee (GTSC) for participation by the Police Department in a statewide Selective Traffic Enforcement (S.T.E.P.) program, and amending the 2003-04 Budget by \$17,700.

State funds in the amount of \$23,640 are available for expenditure over the 12-month period from October 1, 2003 through September 30, 2004. Legislation would amend the 2003-04 Budget of the Police Department to reflect a portion of this grant. Remaining funds would be included in the 2004-05 Budget request.

The program is aimed at reducing aggressive driving, speeding and impaired driving related motor vehicle accidents. Personnel assigned to the Special Operations Section will conduct overtime enforcement details targeting locations with a high incidence of motor vehicle accidents. Areas may include select intersections along East Main Street, Mt. Hope Avenue, Lexington and Dewey Avenues. Enforcement strategies include the use of Laser RADAR speed detection and saturation patrol with marked

and unmarked police vehicles. During the previous funding period, 728 citations were issued to motorists, including 232 for speeding and 151 violations dealing with traffic control devices.

Under this program, the GTSC will reimburse the overtime salaries of sworn officers to conduct special enforcement details; it will not reimburse fringe benefit costs. This is the second year NYS GTSC has approved the City to receive S.T.E.P funding. The previous award of \$23,536 was approved by City Council on November 19, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-35
(Int. No. 31)

Authorizing An Application And Agreement With Respect To Unsafe Driving And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Governor's Traffic Safety Committee for funding under the Selective Traffic Enforcement Program (STEP) to reduce unsafe/aggressive driving.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$17,700, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-36
Re: Appropriation of Forfeiture Funds

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation:

1. Authorizing a memorandum of understanding with other local law enforcement agencies regarding joint participation in the Greater Rochester Area Narcotics Enforcement Team (GRANET); and
2. Appropriating \$133,000 from federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2003-04 GRANET Budget by its inclusion.

The appropriated funds will be used to support

GRANET operations for the period July 1, 2003 through June 30, 2004. The mission of GRANET is to achieve maximum coordination and cooperation and bring to bear the combined resources of member agencies to primarily investigate mid and upper level narcotic related offenses in the greater Rochester/Monroe County area.

The legislation will provide a successor to the current Memorandum of Understanding among the participating agencies which expires December 31, 2003. Under the agreement GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Department of Justice and the Monroe County District Attorney's Office. During its term of operation, GRANET will utilize asset forfeiture funds for operational expenses, including: communications, electronic surveillance, confidential evidence funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (July 1990). Salaries and overtime for participants will be paid by each officer's respective agency.

The City of Rochester administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in the GRANET's forfeiture fund as of December 22, 2003 is \$142,776. The balance reflects the repayment of an \$18,000 advance from the City of Rochester during 2002-03 for GRANET startup. There have been no other appropriations of GRANET's forfeiture funds since its inception.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-36
(Int. No. 32)

Approving Participation In The Greater Rochester Area Narcotics Team And Amending The 2003-04 Budget By Appropriating Forfeiture Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the participation of the Rochester Police Department in the Greater Rochester Area Narcotics Team (GRANET) and the equitable sharing of GRANET's forfeiture funds.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$133,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund GRANET's operations.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-37
Re: Hudson Firehouse Roof Replacement

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$120,000 and the appropriation of the proceeds thereof to finance the cost of construction of the Hudson Firehouse Roof Replacement project.

The Hudson Firehouse Roof Replacement Project was designed in-house. The construction involves replacement of a built-up roof system.

Bids for construction of the project were received on December 2, 2003. The apparent low bid, \$102,977, was received from Elmer W. Davis. An additional 17% will be allocated for contingency. The funding for this project is identified in the 2002-03 Capital Improvement Program.

Construction is scheduled to begin in the spring of 2004 and be completed in the summer of 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-37
(Int. No. 33)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$120,000 Bonds Of Said City, To Finance The Costs Of The Replacement Of The Roof On The Hudson Avenue Fire Facility Within The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the replacement of the roof on the Hudson Avenue Fire Facility at 704 Hudson Avenue in the City of Rochester, New York (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$120,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$120,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$120,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$120,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of

said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12 of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 3, Ordinance No.

2004-38, And Ordinance No. 2004-39
Re: Technical Amendments

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval are a series of technical amendments to prior legislation:

- 1. Amend Ord. No. 2002-202 regarding alarm permits;
- 2. Amend Ord. No. 2002-354 in regard to amusement games; and
- 3. Amend Sections 2-18 of the City Charter (Code of Ethics) in regard to the Board of Assessment Review.

Alarm Permits

On June 18, 2002, City Council approved a series of fee increases that included raising the fees for alarm permits from \$5 to \$10. The legislation as approved included the increase in the base fee but inadvertently omitted the concomitant increase (also to \$10) in the fee for one to three avoidable alarms. The proposed amendment will correct that omission.

Amusement Games

On November 19, 2002, Council approved a series of definition changes to bring sections of the Municipal Code into conformity with the new Zoning Ordinance. Among those changes was a reference to the definition of Amusement Centers. The definition in the Zoning Ordinance is limited to locations with four or more amusement games. The prior definition in Section 29-1, which establishes licensure and other non-zoning regulations for amusement centers and games, did not have any minimum restriction. The proposed amendment will restore the previous controls for all such games.

Board of Assessment Review

Presently, the Code of Ethics in Sec. C (10) specifies that "No City officer or employee compensated by the City for such service shall represent any person in any action or proceeding...before any City agency..." (emphasis added). The restriction is intended to avoid the obvious conflict inherent in a City employee attempting to influence the decision of an independent board or commission. Because they are compensated for their time, members of the Board of Assessment Review fall within this category.

Many Board of Assessment Review members are realtors, and in the course of their business of representing buyers and sellers, may have occasions to come to the Zoning, Planning and Preservation Boards to seek some permit or variance or modification on behalf of their various clients. Some Board members are active in neighborhood or business associations, and have occasion to come to Council hearings to lobby for some legislative change on behalf of their associations.

Section C (11) of the Code of Ethics prohibits an unpaid City officer or employee from appearing before the agency he serves (emphasis added). This section also includes hearing officers, arbitrators and mediators compensated for their work within this more limited restriction. The proposed legislation would add the Board of Assessment Review under this section rather than the previous one.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 3
(Int. No. 36)

Local Law Amending The City Charter With Respect To Conflicts Of Interest

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending subsections 2-18C(10) and (11) thereof, relating to the ability of City officers and employees to represent persons in matters involving the City, to read in their entirety as follows:

- (10) No City officer or employee compensated by the City for such service shall represent any person in any action or proceeding, whether judicial or administrative, to which the City is a party, or before any City agency or other City officer or employee. This provision shall not apply to the Corporation Counsel when representing persons within the scope of official duties. This provision also shall not apply to members of the Board of Assessment Review, hearing officers, arbitrators or mediators compensated by the City for such services, who shall instead be covered by paragraph (11) below; or to outside counsel hired by the City where the Corporation Counsel determines that the outside counsel, or the outside counsel's firm, does not have an interest in conflict with that of the City.
- (11) No City officer or employee who serves the City without compensation, or member of the Board of Assessment Review, hearing officer, arbitrator or mediator compensated by the City, shall represent any person before the agency he or she serves or before any other City officer or employee who regularly serves the agency he or she serves or before any other agency on merits directly involving the agency he or she serves.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago - 7.

Nays - None - 0.

Ordinance No. 2004-38
(Int. No. 37)

Amending Ordinance No. 2002-201 And The Municipal Code With Respect To Alarm User Permit Fees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2002-201, relating to fees, and Section 27-5 of the Municipal Code, relating to alarm user permits and fees, as amended, are hereby further amended by amending subsection E(1)(b)

thereof to read in its entirety as follows:

- (b) For an alarm user with one to three avoidable alarms during the preceding year, a base permit renewal fee of \$10. shall be charged, plus an additional excessive use fee of \$10.

Section 2. This ordinance shall take effect immediately and shall apply retroactively to the effective date of Ordinance No. 2002-201.

Passed unanimously.

Ordinance No. 2004-39
(Int. No. 38)

Amending Ordinance No. 2002-354 And The Municipal Code With Respect To Amusement Centers

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 3 of Ordinance No. 2002-354, relating to references to the Zoning Code, and Section 29-1 of the Municipal Code, relating to definitions for the amusements code, as amended, are hereby further amended by amending the definition of Amusement Center to read in its entirety as follows:

AMUSEMENT CENTER - The premises, including a theater, hall, auditorium, tent, structure, building or enclosure of any type, yard or lot, on or within which is offered or operated any amusement game or where the operation of amusement games is the sole use of the property. This definition shall not include such premises in which jukeboxes are the only type of amusement game.

Section 2. This ordinance shall take effect immediately and shall apply retroactively to the effective date of Ordinance No. 2002-354.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-40
Re: CSD Bonds - \$17,532,000

R2010: Campaign 2 - Educational Excellence

Transmitted herewith is legislation authorizing the issuance of \$17,532,000 in bonds of the City of Rochester for educational purposes. This annual borrowing on behalf of the City School District's Capital Improvement Program is requested by Rochester City School District Resolution 2003-04: 56 (July 17, 2003) and in a letter from the district's Chief Financial Officer to the Mayor (December 19, 2003).

As part of the City's fiduciary responsibility for school district debt, this borrowing requires City Council approval. The amount to be borrowed is permissible under the Council's debt limit policy.

A copy of Resolution 2003-04: 56 and the supporting memorandum, 2003-04 CIP Bond Request for Long-Term Facility Improvements and New Construction as provided by the City School District are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-12

Ordinance No. 2004-40
(Int. No. 39)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$17,532,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$17,532,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$17,532,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$17,532,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$17,532,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The existing buildings are of Class "A" construction as defined by Section 11.00 a.11.(a) of the Local Finance Law, and the period of probable usefulness of said specific objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.12.(a)(1) of the Law, is twenty (20) years. A specific list of all such costs of construction and renovation is on file with the City in the Office of the Director of Finance.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and

redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Norwood, Pritchard, Santiago - 6.

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the City School District.

The meeting was adjourned at 8:43 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

- *Oliver D. Eisenhart III
- *Donald E. Sexstone
- *Bruce D. Smith

RPD
 Magnus W. Benzing
 Steven Grant

*Not attending meeting.

APPROVAL OF THE MINUTES
 By Councilmember Mains

RESOLVED, that the minutes of the Regular Meeting of January 27, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
 COUNCIL PRESIDENT, CORPORATE OFFICERS
 AND OTHERS.

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3759-7
 - Quarterly Reports. 3760

THE COUNCIL PRESIDENT - PRESENTATION
 AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Dedication Of Newcroft Park To Street Purposes Int. No. 54 No speakers.

Resolution Approving Relocation To The Monroe County Empire Zone Int. No. 55 No speakers.

Adopting Requirements And Standards For Planned Development District #4—Rochester Museum And Science Center Int. No. 56 One speaker: Eric Fairchild.

Changing The Zoning Classification Of 657 East Avenue, 10 And 14-22 South Goodman Street, 209 And 215 Oxford Street And 276-282 Park Avenue From Institutional Planned Development District #7 And 203 Oxford Street From R-3 High Density Residential To Planned Development District #4—Rochester Museum And Science Center Int. No. 57 One speaker: Volena Howe.

Adopting Requirements And Standards For Planned Development District #5—St. Michael's Int. No. 58 No speakers.

Changing The Zoning Classification Of 869 North Clinton Avenue And 355 Clifford Avenue From R-1 Low Density Residential And 873-877 And 885-891 North Clinton Avenue From C-2 Community Center To Planned Development District #5—St. Michael's Int. No. 59 No speakers.

Approval Of The Lease To Rochester Riverfront Properties, L.P. Of Sub-Area 1 In The Brooks Landing Urban Renewal Project Int. No. 74 No speakers.

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For

REGULAR MEETING
 FEBRUARY 24, 2004

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Santiago, Stevenson - 8.

Absent - Councilmember Pritchard - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony
 Retirements

- BHRM
 - *Marlene Carpino
- DES
 - Verinder K. Sethi
 - Ralph R. Rogers, Jr.
 - *Gloria Amato
 - *Harold Simmons
- DCD
 - *Ruth E. Andrews
- Finance Department
 - *Lynne Zwick
- RFD
 - Richard D'Imperio
 - Odell Johnson
 - William E. Jones, Jr.

2004-05 Int. No. 61 No speakers.

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 68 Two speakers: Bill Ouweleen and Heather Gardner.

Local Improvement Ordinance - Security At The Public Market Int. No. 69 Two speakers: Bill Ouweleen and Heather Gardner.

Authorizing Changes In The Pavement Width Of Columbia Avenue And Jefferson Avenue As A Part Of The Columbia Avenue Improvement Project Int. No. 70 One speaker: John W. Smith.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
February 24, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 45 - Authorizing The Sale Of Real Estate And Release Of A Portion Of An Easement, As Amended

Int. No. 46 - Authorizing An Agreement For Property Management Services

Int. No. 47 - Approving The Sale Of Real Estate And Amending Ordinance No. 2003-28 Relating To A Tax Exemption For The Providence Rental Housing Project

Int. No. 48 - Amending Ordinance No. 2003-26 Relating To Rental Housing Projects

Int. No. 49 - Resolution Approving A Reappointment To The Rochester Preservation Board

Int. No. 50 - Resolution Approving A Reappointment To The City Planning Commission

Int. No. 51 - Amending The 2003-04 Budget Of The Rochester Public Library

Int. No. 52 - Amending Chapter 40 Of The Municipal Code, Building Construction: Plumbing

Int. No. 53 - Approving An Additional Developer For CityScape 2004 At Newcroft Park

Int. No. 78 - Approving The Sale Of 923-925 And 927 Genesee Street In The Brooks Landing Urban Renewal Project

Int. No. 79 - Approving The Lease Of 923-927 Genesee Street For A NET Office And Amending The 2003-04 Budget

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 54 - Dedication Of Newcroft Park To Street Purposes

Int. No. 55 - Resolution Approving Relocation To The Monroe County Empire Zone

Int. No. 56 - Adopting Requirements And Standards

For Planned Development District #4—Rochester Museum And Science Center

Int. No. 57 - Changing The Zoning Classification Of 657 East Avenue, 10 And 14-22 South Goodman Street, 209 And 215 Oxford Street And 276-282 Park Avenue From Institutional Planned Development District #7 And 203 Oxford Street From R-3 High Density Residential To Planned Development District #4—Rochester Museum And Science Center

Int. No. 58 - Adopting Requirements And Standards For Planned Development District #5—St. Michael's

Int. No. 59 - Changing The Zoning Classification Of 869 North Clinton Avenue And 355 Clifford Avenue From R-1 Low Density Residential And 873-877 And 885-891 North Clinton Avenue From C-2 Community Center To Planned Development District #5—St. Michael's

The following entitled legislation is being held in committee:

Int. No. 74 - Approval Of The Lease To Rochester Riverfront Properties, L.P. Of Sub-Area 1 In The Brooks Landing Urban Renewal Project

Int. No. 80 - Authorizing Agreements For The Asset Control Area (ACA) Program

Respectfully submitted,
Wade S. Norwood
Adam C. McFadden
Lois J. Giess
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-41
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of fifty-one properties. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first thirty-seven properties are structures that were sold at the November 18, 2003 Public Auction. The purchasers will be required to rehabilitate the structures within nine months of the closing.

The next property is a garage that is being sold to the adjoining owner for its appraised value. The purchaser will be required to rehabilitate the garage within nine months of the closing and combine the parcel with the purchaser's adjoining property.

The next six properties are vacant lots that were sold at the November 18, 2003 Public Auction. All parcels will be fenced and landscaped and combined with the purchasers' adjoining property, with the exception of

485 Lyell Avenue. The Lyell Avenue parcel will be developed as a fenced play and picnic area for the purchaser's tenants who reside in properties that the purchaser owns along Texas Street.

The next two properties are vacant lots that are being sold to the Bethesda Church of God in Christ for their appraised values. The parcels are part of an assemblage of land that will be utilized for the construction of a new church and playground area.

The next property is an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The parcel is considered unbuildable due to its size.

The next property is part of a commercially zoned parcel of vacant land that is being sold to the adjoining owner for its appraised value. The purchaser will be required to combine the parcel with the purchaser's adjoining property.

The last three properties are structures that are being sold to the former owners. The purchase prices include all delinquent City taxes, interest and penalties.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-13

Councilmember Norwood moved to amend Introductory No. 45.

The motion was seconded by Councilmember Santiago.

The motion was adopted unanimously.

Ordinance No. 2004-41
(Int. No. 45, As Amended)

Authorizing The Sale Of Real Estate And Release Of A Portion Of An Easement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address S.B.L.#	Legal Use Purchaser	Price
348 Avenue A 106.22-2-30	1 Family Arthur Peters	\$ 900
98 Avenue D 091.77-5-38	1 Family Carlton Gordon	6,100
130 Bartlett St 120.68-1-67	1 Family Doris Quinn	4,900
119 Clifford Av 106.29-4-40	1 Family Alvin J. Johnson	900
12 Clifton St 120.44-2-83	1 Family Paul D. Sullivan	5,000
372 Columbia Av 120.67-3-33	1 Family Deghton L. Gilkes, Sr.	2,000
414 Columbia Av	2 Family	10,000

120.67-3-50	Rome Management & Consulting*	
477 Columbia Av 120.75-1-10	1 Family Janet Holmes-Perry & James Perry	9,100
194 Conkey Av 106.21-3-22	2 Family Sabrina Holmes	3,000
44 Cummings St 107.37-3-54	1 Family Robert Napier	16,100
35 Danforth St 120.42-1-31	2 Family Rodney T. Olison	6,400
20 Delano St 120.34-1-37	1 Family Deatrice Pardner	2,100
200 Earl St 120.83-2-71.2	1 Family Patty Ann Shorter	18,600
304 Flint St 120.76-1-42	1 Family Michael Jason	4,000
343 Frost Av 120.68-1-57	1 Family Peter Jackson	1,300
257 Garson Av 106.68-3-10	1 Family Elliot Hioe	5,100
345 Garson Av 107.61-3-3	4 Family Robert Napier	31,100
346 Hawley St 120.75-1-47	1 Family California Enterprises**	8,000
22-24 Henion St 120.51-1-27&26	1 Family Rocco Stebbins	2,400
104 Hortense St 120.42-1-2	1 Family Veronica Menduehall	1,900
428 Jay St 105.83-2-45	2 Family Eugene Izzard	5,600
486 Jay St 105.83-1-23	1 Family Brian Leonardo	5,000
883 Jefferson Av 120.84-1-53	1 Family Joanna McKenzie	2,200
45 Judson Av 120.58-2-47	1 Family Cassandra D. Manley	3,500
38 Locust St 105.35-4-70	1 Family Enrico Jackson	4,900
60 Lyndhurst St 106.73-1-58	2 Family Jason Ponder	2,100
39 Mayberry St 122.22-1-9	2 Family Peter Robinson	11,000
531 Meigs St 121.57-2-48	4 Family Dave Gaylord [& Chris Woodworth]	90,000
90 Orchard St 120.27-1-68	1 Family Elam Alleyne	6,000
55 Paige St 135.34-1-15	1 Family Wynne P. Zambrano	40,400
81 Ringle St 120.56-3-57	1 Family Alvin J. Johnson	3,100
283 Sixth St 106.44-4-15	1 Family Christopher Robinson	9,700
14 Treyer St 106.22-4-32	1 Family Terrance Davis	2,000
190 Warner St 105.57-2-50	2 Family Mildred Johnson	8,700
54 Waverly Pl 121.37-1-65	2 Family Luis L. Carrasquillo	11,000
308 Weaver St 091.72-2-57	1 Family Julius Johnson	7,000
40 Webster Av 106.68-2-62	1 Family Alvin J. Johnson	12,300

* Officer: Tracy Williams
** Officer: Jeff Peters

Section 2. The Council hereby further approves the negotiated sale of the following parcel of improved property:

Address: 16-20 Spies Alley
S.B.L.#: 120.36-1-18&19
Price: \$1,500

Purchaser: Shirley D. Zimmer

Section 3. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

Address Purchaser	S.B.L.#	Price
233-235 Bay St Angel L. Rivera	106.51-1-9	\$ 50
114 Fillmore St Walter R. & Theresa Jones	120.48-2-33	50
377 Lexington Av Fulvio Felice	105.26-2-2	50
485 Lyell Av 190 Murray Street Associates, LLC*	105.65-2-45	2,100
123 Second St Alejadrina Morales	106.51-1-18	50
20 Woodbine Av Jack Crowder, Jr.	120.57-1-51	300

*Officer: Michelle Loewke

Section 4. The Council hereby further approves the negotiated sale of the following parcels of vacant land with proposal:

Address Purchaser	S.B.L.#	Price
1087-1091 N. Clinton Av Bethesda Church of God in Christ*	106.22-2-19	\$1,900
49-51 Morrill St Bethesda Church of God in Christ*	106.22-2-14	400

*Officers: Ronald Hoston; Jennifer Hoston; Charley Christian; Tymothi Davis-Howard**; Ingrid Jeffries; James Thomas; Sandra Cunningham
**City of Rochester Employee

Section 5. The Council hereby further approves the sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

Address: 157 Champlain St
S.B.L.#: 120.60-2-38
Sq. Ft.: 4656.96
Purchaser: Joe H. & Harriet Johnson

Section 6. The Council hereby further approves the negotiated sale of the following parcel of vacant land:

Address: Pt of 506 S. Clinton Av
S.B.L.#: Pt of 121.48-1-13
Price: \$1,000
Purchaser: John Billone, Jr.

Section 7. The Council hereby further approves the sale of the following parcels of improved property by former owner sale:

Address Purchaser	S.B.L.#	Price
109 Malling Dr John C. Collazo	091.77-1-52	\$4,785.76
168 Mohawk St Edd & Elizabeth Fletcher	091.75-1-6	4,484.43
104 Willmont St Daniel & Sharon Johnson	107.22-1-1	6,365.60

Section 8. The Council hereby further approves the sale of the following parcels of improved property

with proposal:

Address Purchaser	S.B.L.#	Price
420 South Av 390 South Avenue, LLC*	121.48-1-51	\$25,000
426 South Av 390 South Avenue, LLC*	121.48-1-52	30,000

*Principals: John Billone, Sr., Sandra Billone, Christine Giuliano, Louis Giuliano, Crystal Giuliano, Ann Marie Giuliano, John Billone, Jr., Danielle Billone, John Claude Billone, Thomas Billone, Ashley Billone, Andrew Billone, Joseph Billone

Section [8] 9. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 10. The Council hereby approves the release of ten feet of a fifty foot sewer easement over the parcel at 314 Carling Road, SBL# 122,250-2-17, reputedly owned by Sharon M. Keefe.

Section [9] 11. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-42
Re: Professional Services Agreement -
Property Management Services

R2010: Campaign 7 - Quality Services
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Richard D. Fenwick to provide property management services for City-owned property. Services covered by this agreement include rental collection, minor repairs and lawn maintenance.

The consultant will receive a 10% fee for all rents collected. This agreement will be for a period of one year commencing January 1, 2004. The contract will be eligible for renewal, for an additional twelve months, upon 60 days notice and agreement of both parties.

Mr. Fenwick has been providing property management services for the City since 1995. The most recent agreement between the City and Mr. Fenwick was authorized by Council on May 14, 2002. In the past year, the City received \$78,730 in rents, resulting in a fee of \$7,873 for Mr. Fenwick.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-42
(Int. No. 46)

Authorizing An Agreement For Property Management Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Richard D. Fenwick for the continuation of management and maintenance services for City-owned properties for a term of one year, commencing January 1, 2004, with a one-year renewal option, in accordance with the terms set forth in Ordinance No. 94-372.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.:

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-43 And
Ordinance No. 2004-44
Re: Rental Housing Projects - Amending
Ordinance Nos. 2003-26, 2003-28
& 2003-303

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to rental housing projects being undertaken by Providence Housing Development Corporation and Housing Opportunities, Inc. This legislation proposes:

1. Amending Ordinance No. 2003-26 (February 11, 2003) to authorize a construction loan with the Rochester Housing Development Fund Corporation (RHDFC) for the Providence project in an amount not to exceed \$363,000;
2. Amending Ordinance No. 2003-28 (February 11, 2003) by removing 519 Driving Park Avenue and adding 738 Brown Street as a project property;
3. Authorizing the sale of 738 Brown Street at the appraised value to the Rochester Housing Development Fund Corporation and/or Providence Northstar Housing Development Fund Company, Inc.; and
4. Amending Ordinance No. 2003-303 to allow for the conversion of the construction loan to permanent financing.

These are the initial projects under the RHDFC Rental Rehab Program, in which the City's participation was authorized by Council on August 20, 2002.

At that time, the Greater Rochester Housing Partnership was expecting to use HOME funds from NYS as permanent financing; and sources of construction financing had not been completed. It was later determined, by NYS, that the HOME funds could not be used for these projects. Providence and HOP were able to obtain grants from the Federal Home Loan Bank of New York to replace NYS HOME funds.

In order to commit the Federal funds which it has

available, the Community Preservation Corporation (CPC) is required to participate as a construction lender. However, their participation is more limited than originally expected. This change, coupled with the loss of the NYS HOME financing, has resulted in a shortfall in construction financing for the projects.

Therefore, it is proposed that the City's money originally slated for permanent financing also be made available as construction financing. Amending Ordinance 2003-26 as stated above will accomplish this for the Providence project.

This change was authorized for HOP's project by Ordinance 2003-303 on September 23, 2003. However, the required conversion of the construction loan to permanent financing was inadvertently eliminated. The proposed legislation will restore the provision of permanent financing as originally intended.

Since the properties to be redeveloped must be held in ownership by the RHDFC during construction in order to qualify for the permanent financing, the construction loans must be made to the RHDFC. At the completion of construction, this debt will be converted to permanent financing and be assumed by Providence and HOP or housing development fund companies affiliated with these organizations.

Providence was unable to include 519 Driving Park Avenue in the project and it is proposed that 738 Brown Street be substituted. The Brown Street property will complement other rental development in the Brown Street Revitalization Project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-43
(Int. No. 47)

Approving The Sale Of Real Estate And Amending Ordinance No. 2003-28 Relating To A Tax Exemption For The Providence Rental Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-28, relating to a property tax exemption and in lieu of tax agreement for the Providence Housing Development Corporation Rental Project, is hereby amended by deleting the parcel at 519 Driving Park Avenue, SBL# 90.81-3-08 from Section 1 thereof, and by inserting in its place the parcel at 738 Brown Street, SBL# 120.430-1-57.

Section 2. The Council hereby approves the sale of 738 Brown Street, SBL# 120.430-1-57, for its appraised value, to the Providence Housing Development Corporation or an affiliated housing development fund corporation for the construction of rental housing.

Section 3. City taxes and other City charges, except water charges, against said property are hereby canceled up to the date of closing for the reason that the City has agreed to convey said property free of City tax liens and other charges

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-44

(Int. No. 48)

Amending Ordinance No. 2003-26 Relating To Rental Housing Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-26, relating to loan agreements for rental projects, is hereby amended by authorizing the loan approved in Section 2 thereof to first be a construction loan to the Rochester Housing Development Fund Corporation without interest for a period of one year, which loan may then be assigned or converted to a loan to Providence Northstar Housing Development Fund Company, Inc. as already authorized in Section 2 of Ordinance No. 2003-26.

Section 2. Section 1 of said Ordinance No. 2003-26, as amended by Ordinance No. 2003-303, is further amended by first authorizing the construction loan approved in Section 1 of Ordinance No. 2003-303, which loan may then be assigned or converted to the loan authorized in Section 1 of Ordinance No. 2003-26.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-7
Re: Reappointment - Rochester
Preservation Board

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation re-appointing Craig Jensen, 137 Gibbs Street, to the Rochester Preservation Board for a term which shall expire on February 28, 2006.

Mr. Jensen's term expired on December 31, 2002. Since his last appointment, Mr. Jensen has attended 47 of 49 scheduled meetings.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-7
(Int. No. 49)

Resolution Approving A Reappointment To The Rochester Preservation Board

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of Craig Jensen, 137 Gibbs Street, to the Rochester Preservation Board for a term which shall expire on February 28, 2006.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-8
Re: Reappointment - City Planning
Commission

R2010: Campaign 1 - Involved Citizens
Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation re-appointing James Patrick, 100 Hollis Street, to the City Planning Commission for a term which shall expire on February 28, 2006.

Mr. Patrick's term expired on March 31, 2002. Since his last appointment to the Commission, Mr. Patrick has attended 49 of 56 scheduled meetings.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-8
(Int. No. 50)

Resolution Approving A Reappointment To The City Planning Commission

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of James Patrick, 100 Hollis Street, to the City Planning Commission for a term which shall expire on February 28, 2006.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-45
Re: 2003-04 Budget Amendment
Rochester Public Library

R2010: Campaign 7 - Quality Service
Campaign 11 - Arts & Culture

Transmitted herewith for your approval is legislation amending the 2003-04 Budget by increasing the revenue estimates and expenditures by a total of \$160,000. This amendment reflects a revision to the funding provided under the 2004 Approved County Budget to the Rochester Public Library.

The preparation of the 2003-04 City Budget for the Rochester Public Library often involves an estimate of the level of County funding to be provided in the County budget. It is not uncommon that the County Legislature revises the level of funding provided in the Proposed versus Approved County Budget.

The variance from the 2004 County Proposed versus Approved Budget consists of the following:

Additional library materials	\$ 35,000
Additional hours at Central library to meet NYS requirement	61,000
Funding to provide regularized Sunday hours	44,000
Leasing of new delivery vehicles	20,000
Total	\$160,000

Under a 1968 agreement between Monroe County and the City of Rochester, the Rochester Public Library provides central library services to the Monroe County Library System (MCLS). The County reimburses the Rochester Public Library for the net costs of the services provided.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-45
(Int. No. 51)

Amending The 2003-04 Budget Of The Rochester Public Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Public Library by the sum of \$160,000, which amount is hereby appropriated from increased revenues from the County of Monroe.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-46
Re: Revised Plumbing Permit Fees -
Chapter 40 Section 19

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending Chapter 40 of the City Code to reflect an increase in plumbing permit fees. Plumbing permit fees have remained constant since they were last revised in September, 1993, with an amendment in April, 1997 to include new fees for various purposes. The Bureau of Buildings and Zoning analyzed the fee structure in March, 2003 and recommends that increases in plumbing permit fees are appropriate based on increases in operating costs over the past 10 years.

Plumbing permit fees consist of a flat base-permit fee plus an additional charge for each fixture or unit of plumbing work on a job site. The proposed revisions will yield increased revenue to cover current permit processing administration and plumbing code enforcement costs.

The base fee for plumbing permits will be increased incrementally as follows:

Base Fee	Effective Date
\$10	Current
25	July 1, 2004
40	July 1, 2005
55	July 1, 2006

A summary of the proposed fixture and unit fees is attached.

These fees shall take effect as of July 1, 2004.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AD-14

Ordinance No. 2004-46
(Int. No. 52)

Amending Chapter 40 Of The Municipal Code, Building Construction: Plumbing

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 40-19 of the Municipal Code, Fees for plumbing permits, as amended, is hereby further amended to read in its entirety as follows:

40-19. Fees for plumbing permits.

- A. Fees for plumbing permits shall be determined in accordance with this section. The fee shall be paid at the time of filing of the application, and the total amount of the fee to be paid shall be indicated on the application form. No plumbing permit shall be issued until such fee has been paid in full.
- B. A base fee of \$25 shall be charged for all plumbing permits. The base fee shall be \$40 effective July 1, 2005, and \$55 effective July 1, 2006. In addition to the base fee, plumbing permit fees shall be as follows:
 - (1) For fixtures: installation, removal or capping of each fixture: \$10.
 - (2) For building sewers: \$45.
 - (3) For sump pumps (residential): \$15; for sump pumps single (commercial): \$35; for sump pumps duplex (commercial): \$75.
 - (4) For catch basins or yard drains: \$50 each.
 - (5) For parking area trench drains: \$20 each.
 - (6) For outside conductors (residential): \$5 each.
 - (7) For conductors or roof drains (commercial): \$10 each.
 - (8) For sewer ejectors:
 - (a) Single: \$20.
 - (b) Double: \$35.
 - (9) For use of mechanically operated root-cutting devices in building drains and building sewers: \$20.
 - (10) For hot-water heaters:
 - (a) Over 70 gallons' capacity: \$30 each.
 - (b) Seventy gallons' capacity or less: \$10 each.
 - (11) For commercial and industrial establishments, including restaurants:
 - (a) Garbage disposals: \$35 each.
 - (b) Dishwashing machines: \$40 each.
 - (c) Grease interceptors: \$40 each.

- (d) Ice-cube-making machines: \$25 each.
- (e) Laundry-washing machines: \$35 each.
- (12) Backflow preventers of one to 1 1/2 inches: \$15 each.
- (12.1) Backflow preventers from 1/4 inch to 3/4 inch: \$10 each.
- (12.2) Backflow preventers of more than 1 1/2 inches: \$30 each.
- (13) Backflow test or repair: \$10.
- (14) Water service renewal
- (14.1) Renewal of water service, less than two inches, without any street work: \$85 each.
- (14.2) Water main services in property line of three-fourths inch to two inches: \$35 each.
- (15) Water main and sewer repairs or renewal, public or private, over two inches: \$35 for the first 60 feet; each additional 100 feet: \$10.
- (16) Clean-outs at property line: \$35 each.
- (17) Manholes in property line: \$35 each.
- (18) Sand interceptors: \$35 each.
- (19) Oil interceptors (all types): \$35 each.
- (20) Future use openings: \$10 each.
- (21) For inspections on Saturdays, Sundays, holidays or other than regular working hours, the rate shall be \$50 per hour. A minimum of four hours may be charged if the inspector was called in and/or has no other inspections during the four hours.
- (22) All notice and order plumbing violations: \$10 each.
- (23) For repair or replacement of gas supply, domestic water, storm, sanitary or vent piping: \$10 for the first 100 feet, and \$2 per foot thereafter.
- (24) Reinspection or callback when work is not ready for inspection: \$50 each.
- (25) For items not listed in the Fee Schedule, the permit fee shall be established by the Commissioner of Community Development.

Section 2. This ordinance shall take effect on July 1, 2004.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-47
Re: CityScape 2004 at Newcroft Park

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance 2003-375 to include Barden Homes (principal: Mark Barden) as a developer in the Newcroft Park project. The ordinance was authorized by Council on June 18, 2003.

The City of Rochester and the Rochester Home Builders' Association (RHBA) are redeveloping the 6.8- acre tract of land at Newcroft Park (formerly comprised of 79 Woodstock Street, 1126 Atlantic Avenue, and 116 Akron Street). The development involves the construction of a new dedicated street, Newcroft Park, and the subsequent construction of 27 new, market-rate, single-family homes.

The construction of the street commenced in late July, 2003 and was completed in December, 2003. Construction of at least seven (7) model homes will begin in the spring of 2004. An open house is tentatively planned for June, 2004. Buyers will then have the option to either purchase a model home or have a model home built on one of the available lots in the subdivision.

Barden Homes did not initially submit a proposal because of previous commitments. They now are able and wish to participate in CityScape 2004 at Newcroft Park. Barden Homes' proposal was evaluated by a committee consisting of representatives from the Department of Community Development and the RHBA. The proposal was selected based on the following evaluation criteria: design and elevations of the proposed model, pricing, specifications, past experience, and financial strength (including the ability to obtain construction financing). This brings the total number of developers participating in CityScape 2004 to seven.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-47
(Int. No. 53)

Approving An Additional Developer For CityScape 2004 At Newcroft Park

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the addition of Barden Homes (principal: Mark Barden) to the developers approved to participate in CityScape 2004 at Newcroft Park in Ordinance No. 2003-375.

Section 2. This ordinance shall take effect immediately.
Passed unanimously.

Councilmember Mains moved to change the voting order of Intro. No. 78 and Intro. No. 79. He moved to have Intro. No. 79 voted on before Intro. No. 78.

The motion was seconded by Councilmember Santiago.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-48

Re: Lease Agreement - Genesee Street
NET Office

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legisla-
tion:

1. Authorizing a lease agreement between the City and a company to be formed by David Etzel for office space at 923-927 Genesee Street; and
2. Amending the 2003-04 Budget by \$63,000.

The site will be redeveloped as a new two story 8,000 square foot office/retail building with off-street parking. The building will become the new location for the City's Genesee Street Neighborhood Empowerment Team (NET) office. The Genesee Street NET office is being relocated to accommodate the hotel and restaurant development as part of the Brooks Landing Revitalization Project.

The new NET office will occupy approximately 3,000 square feet on the first floor with required parking. The City will pay for its own gas, electric, telephone and refuse usage.

The remaining 1,000 square feet on the first floor will be utilized as retail space by Jim Dalberth Sporting Goods with storage on the second floor. All water, sewer, property maintenance, repairs and snow removal costs will be paid by the landlord.

The term of the lease will be for 5 years beginning after construction is completed, with a 5 year renewal option. The annual rental cost will be \$30,000 or \$10.00 per square foot. A one-time lump-sum payment of \$63,000 will be paid by the City to prepare interior space for NET use.

The total cost of the 5 year lease will be \$150,000, and will be financed through the annual budgets of the City's Bureau of NET, Mayor's Office. Independent Real Estate Appraiser, Kevin Bruckner of Bruckner, Tillett, Rossi, Cahill & Legrett, has reviewed the rental terms of this lease and determined that the rental amount is within the market range for office space of this kind. The payment for interior improvements will be financed by transferring \$63,000 from Contingency to 2003-04 Cash Capital.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-15

Ordinance No. 2004-48
(Int. No. 79)

Approving The Lease Of 923-927 Genesee Street For A NET Office And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the lease of approximately 3,000 square feet of office space at 923-927 Genesee Street from David Etzel for the Genesee Street Neighborhood Empowerment Team (NET) Office. The lease may extend for five years

from completion of the building, with a five year renewal option. The City shall be responsible for its telephone, gas, electric and refuse costs. The landlord shall pay all water, sewer, property maintenance, repairs and snow removal costs.

Section 2. The lease agreement shall obligate the City to pay annual rent in the amount of \$30,000, or \$10 per square foot. Said amounts shall be funded from the annual budgets of the Bureau of NET, contingent upon approval of said budgets. The lease agreement shall further obligate the City to pay the sum of \$63,000 for the City's leasehold improvements, which amount shall be funded from the 2003-04 Cash Capital Allocation.

Section 3. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$63,000 from the Contingency Account to the Cash Capital Allocation to fund the leasehold improvements.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-49
Re: Real Estate Transaction - Sale of
923-925 and 927 Genesee Street

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted for your approval is legislation approving the sale of City-owned lots located at 923-925 and 927 Genesee Street. These lots are part of the Genesee Street Revitalization area and are also included in the Brooks Landing Urban Renewal District. An appraised value of \$5,400 (\$.50 per square foot) has been established for the lots by Allen Fitzpatrick, Director of Real Estate on December 16, 2003.

It is proposed that the Genesee Street properties be sold to David Etzel, owner of Dalberth Sporting Goods, currently located at 926-928 Genesee Street, across the street from the subject properties. As part of the Brooks Landing Project, Mr. Etzel's building will be acquired and demolished. The building is in what is termed Sub Area 2 of the Brooks Landing Project. Mr. Etzel proposes to build a new 8,000 square foot facility which would house his existing business, Dalberth Sporting Goods in 1,000 square feet, and 3,000 square feet which would house the Genesee Street NET office on the first floor. The second floor of the proposed building would be utilized by David Etzel for storage of his inventory. The Genesee Street NET office is also slated for acquisition and demolition and is included in what is termed Sub Area I of the Brooks Landing Project. Mr. Etzel's operation depends primarily on wholesale business with local sports teams. A smaller portion of his volume is retail sales.

It is proposed that construction on this building would begin in February, 2004 with a planned completion date of May, 2004. It is anticipated that Dalberth Sporting Goods and the Genesee NET would both move into the new building in June, 2004.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

This project is consistent with plans for Genesee Street redevelopment and is endorsed by Sector 4 and Sector 4 CDC as well as the Genesee Street Business Association. There will be a public hearing concerning the sale of the subject properties.

Dalberth Sporting Goods has been in business on Genesee Street for 48 years. The owner currently employs 1 full-time and 3 part-time people and expects that number to be 2 full-time and 2 part-time over the next 36 months.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-49
(Int. No. 78)

Approving The Sale Of 923-925 And 927 Genesee Street In The Brooks Landing Urban Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of 923-925 and 927 Genesee Street in the Brooks Landing Urban Renewal Project to David Etzel for the sum of \$5,400, for the development of a new retail/office building.

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the date of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-50
Re: Newcroft Park/Official Map
Amendment

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Official Map by dedicating and naming public right-of-way being constructed in conjunction with development of the Atlantic Woodstock Subdivision.

The Atlantic Woodstock Subdivision, a housing subdivision developed by the City, is approximately seven acres, located on the former APCO contractor's yard on Atlantic Avenue and contains twenty-seven new housing lots. Public improvements required by the project include construction of a cul-de-sac street which extends northerly from Atlantic Avenue, between Woodstock Street and Akron Street; and infrastructure improvements.

The public improvements were designed by the Sear Brown Group as authorized by City Council on April 16, 2002. The financing for the improvements were authorized by Council on May 13, 2003; construction has begun and will be completed this year.

The name being proposed for the new cul-de-sac street is Newcroft Park. The Official Map Amendment was presented to the City Planning Commission on January 12, 2004, the record vote for approval was 5-0-0.

A public hearing on the amendment is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-16

Ordinance No. 2004-50
(Int. No. 54)

Dedication Of Newcroft Park To Street Purposes

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and naming said parcel Newcroft Park:

All that tract or parcel of land containing 1.097 acres, more or less, situate in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Atlantic-Woodstock Subdivision - Subdivision Map", prepared by Sear-Brown having drawing number 18095 SU 1, last revised February 4, 2003 and being more particularly bounded and described as follows:

Commencing at the point of intersection of the northerly right-of-way line of existing Atlantic Avenue (49.5' wide) with the westerly right-of-way line of existing Woodstock Road (width varies); thence

S 86°43'00"W, along said northerly right-of-way line of Atlantic Avenue, a distance of 246.29 feet to the Point of Beginning; thence

- 1) S 86°43'00"W, continuing along said northerly right-of-way line, a distance of 60.00 feet to a point, said point being the south-westerly corner of the Atlantic-Woodstock Subdivision; thence
- 2) N 02°48'40"W, along the westerly property line of said Subdivision, a distance of 154.25 feet to a point of curvature; thence through said Subdivision, the following eleven (11) courses and distances;
- 3) Northeasterly, along a curve to the right having a radius of 350.00 feet, through a central angle of 15°50'42", a distance of 96.79 feet to a point of tangency; thence
- 4) N 13°02'02"E, a distance of 59.19 feet to a point of curvature; thence
- 5) Northerly, along a curve to the left having a radius of 300.00 feet, through a central

- angle of 15°50'42", a distance of 82.96 feet to a point of tangency; thence
- 6) N 02°48'40"W, a distance of 125.19 feet to a point of curvature; thence
 - 7) Northerly, along a curve to the left having a radius of 300.00 feet, through a central angle of 2°30'00", a distance of 13.09 feet to a point of tangency; thence
 - 8) N 05°18'40"W, a distance of 247.97 feet to a point of curvature; thence
 - 9) Northwesterly, along a curve to the left having a radius of 29.00 feet, through a central angle of 47°32'45", a distance of 24.07 feet to a point of curvature; thence
 - 10) Northerly, easterly and then southerly along a curve to the right having a radius of 51.00 feet, through a central angle of 275°05'30", a distance of 244.86 feet to a point of curvature; thence
 - 11) Southeasterly, along a curve to the left having a radius of 29.00 feet, through a central angle of 47°32'45", a distance of 24.07 feet to a point of tangency; thence
 - 12) S 05°18'40"E, a distance of 247.97 feet to a point of curvature; thence
 - 13) Southerly, along a curve to the right having a radius of 350.00 feet, through a central angle of 02°30'00", a distance of 15.27 feet to a point of tangency, said point being the easterly corner of said Atlantic-Woodstock Subdivision; thence
 - 14) S 02°48'40"E, along the easterly property line of said Subdivision, a distance of 125.19 feet to a point of curvature, said point being the easterly corner of said Subdivision; thence continuing through said Subdivision, the following five (5) courses and distances;
 - 15) Southwesterly, along a curve to the right having a radius of 350.00 feet, through a central angle of 15°50'42", a distance of 96.79 feet to a point of tangency; thence
 - 16) S 13°02'02"W, a distance of 59.19 feet to a point of curvature; thence
 - 17) Southerly, along a curve to the left having a radius of 300.00 feet, through a central angle of 15°50'42", a distance of 82.96 feet to a point of tangency; thence
 - 18) S 02°48'40"E, a distance of 143.84 feet to a point; thence
 - 19) S 48°02'50"E, a distance of 14.08 feet to the Point of Beginning.

Intending to describe a right-of-way 50 feet in width.

Subject to any easements or encumbrances of record.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-9
Re: Context Technologies, Inc.

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation approving the relocation request of Context Technologies, Inc., which has moved from 1100 University Avenue in the City of Rochester to the Powder Mill Office Park in the town of Perinton.

Context Technologies, Inc. was forced to find a new location when they outgrew their leased office space at the University Business Center. Context Technologies, Inc. looked at several locations within the City of Rochester, but were unable to find a building that matched their space and location requirements. Their new location at the Powder Mill Office Park is located within the Monroe County Empire Zone.

Context Technologies, Inc. would like to become EZ certified so they can take advantage of the Empire Zone benefits at their new location. However, Section 959 (a) (iii) of the NYS law only allows for the certification of a business enterprise that has shifted its operation from an area within the State into an EZ if the "shift of operations" is approved by the municipality from which the company relocated.

As required by law, where the shift is from an area in a different municipality into another municipality's EZ; a public hearing must be held by the municipality from which the company is moving, and the local governing body of that municipality must approve, by resolution, the shift of operations. If the relocation procedure does not occur, the company will not qualify for EZ benefits. In the past, we have had companies who have relocated to the City Empire Zone from other municipalities. It was necessary for these companies to go through the same relocation procedures stated above so that they would qualify for EZ benefits in the City.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-17

Resolution No. 2004-9
(Int. No. 55)

Resolution Approving Relocation To The Monroe County Empire Zone

WHEREAS, Context Technologies, Inc., (the "Company"), a software company with offices located at 1173 Pittsford-Victor Road, Pittsford, New York 14534, did business at 1100 University Avenue in the City of Rochester from 2002 through 2003, and

WHEREAS, the Company employed 3 people in 2003, including 0 residents of the City of Rochester, and

WHEREAS, the Company was forced to find a new location when they outgrew their current facility at 1100 University Avenue. Context Technologies, Inc.

looked at several locations in the City but were unable to find a suitable location that fit their business needs, and

WHEREAS, the Rochester City Council has heard public comments that extraordinary circumstances exist to warrant the relocation of the company to the Monroe County Empire Zone at a public hearing held on February 24, 2004 at the City Council Chambers;

NOW, THEREFORE, BE IT RESOLVED, that the Rochester City Council consents to the relocation of Context Technologies, Inc., from the City of Rochester to the Monroe County Empire Zone in the Town of Perinton.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-51 And
Ordinance No. 2004-52
Re: Planned Development Amendment -
657 East Avenue, 10 & 14-22
S. Goodman Street, 203, 209 and
215 Oxford Street and 276 Park
Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map and Text by:

1. Amending the district designation from Institutional Planned Development District #7 Rochester Museum and Science Center to Planned Development District #4 Rochester Museum and Science Center;
2. Correcting the Zoning Map by including the property at 203 Oxford Street in the proposed PD #4 district;
3. Reformatting the existing IPD regulations; and
4. Amending the district regulations relating to playground equipment, special requirements and yard, space and bulk requirements.

The amendments are proposed by the Rochester Museum and Science Center. The primary reason for this amendment is to permit the establishment of a play area to serve the Genesee Charter School at 14 S. Goodman Street within the required front yard setback area along S. Goodman Street. Currently, the IPD district regulations require a twenty foot setback for the proposed play area, the new district regulations will allow playground equipment to encroach in the required front yard. Since the IPD district required modification to accommodate this request, it was recommended that the entire district be reformatted to be consistent with other Planned Development districts.

The Rochester Museum and Science Center consists of seven (7) properties which are utilized as follows:

657 East Avenue	Rochester Science Museum and Strassenburgh Planetarium
-----------------	--

276 Park Avenue	Residence of the President of the Rochester Museum & Science Center
10 S. Goodman Street	Offices
14-22 S. Goodman Street	Genesee Community Charter School
203 Oxford Street	Parking lot
209 Oxford Street	Parking lot
215 Oxford Street	Accessory storage space for Rochester Museum and Science Center

The changes to the district include: correcting the zoning designation of 203 Oxford Street, which was added to the IPD in 1986; increasing the front yard setback along Park Avenue; updating the parking regulations; allowing playground equipment within the S. Goodman St. front yard and deleting requirements relating to district expansion and uses on Oxford Street. The City Planning Commission Staff Report analyzes the proposed changes to the PD regulation.

The Preservation Board conceptually approved the proposed play area in July, 2003 and recommended approval of the proposed amendment to the IPD at their monthly meeting on January 7, 2004. A Certificate of Appropriateness will be required for the development upon approval of the Planned Development District.

The Planning Commission held an informational hearing on January 12, 2003; one person spoke in support of the application, there were no speakers in opposition. By a vote of 5-0-0, the Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning, as lead agency, has determined that the proposal will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-18

Ordinance No. 2004-51
(Int. No. 56)

**Adopting Requirements And Standards For
Planned Development District #4—Rochester
Museum And Science Center**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adopting the following requirements and standards for Planned Development District #4—Rochester Museum and Science Center:

Planned Development District # 4
Rochester Museum and Science Center

- A. Purpose: The Planned Development District #4 is intended to recognize and permit a defined area for the integrated development and delivery of programs and community services offered by the Rochester Museum & Science Center. The planned development district will allow the museum to deliver its mission to create inspiring, entertaining and educational experiences enabling visitors to explore science and technology, the natural environment and our region's cultural heritage.
- B. Permitted uses: Permitted uses include, but are not limited to, the following uses when consistent with the above purpose:
1. Museums, galleries, planetariums, including their buildings, owned or leased, for administrative and faculty offices, classrooms, laboratories, auditoriums, lecture halls, libraries.
 2. Public or private schools and including support facilities for faculty, staff and students of such institution.
 3. Offices.
 4. Senior Center.
 5. Day Care Center.
 6. Community Center.
 7. Warehouse, storage uses and maintenance facilities in existing buildings when related to the purpose stated above.
 8. Accessory support uses or structures, including office, retail, and restaurant facilities, bookstores, gift shops, when such support use or structure is physically integrated into the plan of the institution.
 9. RMSC President's Residence
- C. Bulk, space and yard requirements:
1. Maximum floor area ratio (FAR): .49.
 2. Maximum height: 108 feet.
 3. Minimum yard requirements:
 - a) Front yard
 - 1) Along East Avenue: 87 feet.
 - 2) Along South Goodman Street: 20 feet.
 - 3) Along Park Avenue: 200 feet.
 - 4) Along Oxford Street: Average front yard depth of buildings on the block.
 - b) Along Residentially-zoned properties: 20 feet.
- D. Off-street parking and loading requirements are set forth below:
1. Parking:
 - a) Parking for uses within the Rochester Science Museum Planned Development may be located anywhere within the District.

b) Proposals for new or expanded parking facilities must be accompanied by a Parking Demand Analysis as set forth in Section 120-173B of the Zoning Code.

c) Parking shall comply with the parking lot design and maintenance standards set forth in Section 120-173F of the Zoning Code.

2. Loading:

Loading shall comply with the requirements set forth in Section 120-172 of the City Zoning Code.

E. Accessory Uses and Structures

Accessory structures and uses are permitted in connection with the established uses within the district and shall not be located in the front yard except playground equipment at 14 S. Goodman Street only, which shall not be subject to front or side yard setback requirements.

F. This Planned Development is subject to the requirements set forth in Article XVII of the City Zoning Code regarding Planned Development Districts.

G. The General Height Exceptions set forth in Article XXIII shall apply.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-52
(Int. No. 57)

Changing The Zoning Classification Of 657 East Avenue, 10 And 14-22 South Goodman Street, 209 And 215 Oxford Street And 276-282 Park Avenue From Institutional Planned Development District #7 And 203 Oxford Street From R-3 High Density Residential To Planned Development District #4—Rochester Museum And Science Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 657 East Avenue, 10 and 14-22 South Goodman Street, 209 and 215 Oxford Street and 276-282 Park Avenue from Institutional Planned Development District #7, and 203 Oxford Street from R-3 High Density Residential, to Planned Development District #4-Rochester Museum and Science Center:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, said parcel being more particularly bounded and described as follows:

Beginning at a point at the intersection of the centerline of South Goodman Street with the centerline of East Avenue;

Thence 1) Southeasterly, along the centerline of East Avenue, a distance of 597 feet more or less to a point;

- Thence 2) Southwesterly, along the westerly property line of Parcel #121.35-01-55.1 and its northerly extension, a distance of 486 feet more or less to a point;
- Thence 3) Southeasterly, along the southerly property line of Parcel #121.35-01-55.1 and its easterly extension, a distance of 296 feet more or less to the centerline of Oxford Street;
- Thence 4) Southwesterly, along the centerline of Oxford Street, a distance of 150 feet more or less to a point;
- Thence 5) Northwesterly, along the southerly property line of Parcel #121.43-01-30 and its easterly extension, a distance of 152 feet more or less to a point;
- Thence 6) Southwesterly, along the easterly property line of Parcel #121.43-01-17, a distance of 2 feet more or less to a point;
- Thence 7) Northwesterly, along the northerly property line of Parcel #121.43-01-28, a distance of 100 feet more or less to a point;
- Thence 8) Northeasterly, along the easterly street line of Girton Place, a distance of 1 foot more or less to a point;
- Thence 9) Northwesterly, along the northerly street line of Girton Place, a distance of 45.6 feet;
- Thence 10) Southwesterly, along the westerly street line of Girton Place, a distance of 1 foot more or less to a point;
- Thence 11) Northwesterly, along the northerly property line of Parcel #121.43-01-18, a distance of 100 feet more or less to a point;
- Thence 12) Southwesterly, along the easterly property line of Parcel #121.43-01-17 and its southerly extension, a distance of 470 feet more or less to the centerline of Park Avenue;
- Thence 13) Northwesterly, along the centerline of Park Avenue, a distance of 230 feet more or less to a point;
- Thence 14) Northeasterly, along the westerly property line of Parcel #121.43-01-17 and its southerly extension, a distance of 341 feet more or less to a point;
- Thence 15) Northwesterly, along the southerly property line of Parcel #121.43-01-16 and its westerly extension, a distance of 325 feet more or less to a point on the centerline of South Goodman Street;
- Thence 16) Northeasterly, along the centerline

of South Goodman Street, a distance of 808 feet more or less to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-53 And
Ordinance No. 2004-54
Re: Planned Development District -
869 N. Clinton Avenue, 885-891
N. Clinton Avenue and 355 Clifford
Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your consideration is legislation amending the Zoning Map by rezoning two properties at 869 N. Clinton Avenue and 355 Clifford Avenue from R-1 Low Density Residential and two properties at 873-877 and 885-891 N. Clinton Avenue from C-2 Community Center to Planned Development #5 St. Michael's Planned Development District.

The effected parcels are bordered to the northeast, east and southeast by C-2 zoning and to the north, south and west by R-1 zoning. The current uses of the four (4) properties are as follows:

- 355 Clifford Avenue 28-unit apartment building for the elderly
- 869 N. Clinton Avenue Church complex and accessory parking lots
- 873-877 N. Clinton Ave. Vacant land
- 885-891 N. Clinton Ave. Vacant land

The proposed rezoning will enable the applicant to construct a thirty-two unit apartment building for senior housing at 869 N. Clinton Avenue. A Land Use Plan (attached) list proposed permitted uses. The proposed multiple family housing is not permitted under the existing R-1 zoning nor permitted by variance.

The Planning Commission informational hearing on this rezoning request is scheduled for February 9, 2004. A summary of that meeting will be forwarded to the City Clerk on February 19 for consideration at Committee Meetings.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning, as lead agency, has determined that the proposal will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-19

Ordinance No. 2004-53
(Int. No. 58)

Adopting Requirements And Standards For Planned Development District #5—St. Michael's

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adopting the following requirements and standards for Planned Development District #5-St. Michael's:

Planned Development District #5
St. Michael's Planned Development

- A. Purpose: The St. Michael's Planned Development is intended to recognize and permit a defined area for the unified and integrated development of administrative, religious, community, and senior housing services.
- B. Permitted Uses: Permitted uses include, but are not limited to, the following when consistent with the above purpose.
 - 1. Places of worship and related services.
 - 2. Apartments for Seniors and Developmentally Disabled.
 - 3. Day Care Center.
 - 4. Community Center.
 - 5. Residential Care Facility.
 - 6. Offices.
- C. Bulk, space and yard requirements
 - 1. Maximum building coverage: 40%
 - 2. Maximum Lot Coverage: 75 %
 - 3. Maximum height: Three (3) Stories
 - 4. Minimum yard requirements:
 - a. Along Clifford Avenue
 - 1) Parking lots: 10 feet
 - 2) Principal Buildings: 20 feet
 - b. North Clinton Avenue
 - 1) Parking Lots: 20 feet
 - 2) Principal Buildings: 10 feet
 - c. Along Evergreen Street
 - 1) Parking Lots: 9 feet
 - 2) Principal Buildings: 4 feet
 - 3) Accessory Buildings: 5 feet
 - d. Other setbacks
 - 1) Parking lots: 7 feet
 - 2) Principal buildings: 13 feet
 - 5. Fences:
 - a. No chain link fence will be allowed in the front yard
 - b. Maximum height:

Front yard	4 feet
Other yards	6 feet

- 6. Exceptions
 - a. Height exceptions per City Code 120-196
 - b. Yard exceptions per City Code 120-197
- D. Design Requirements: To achieve a unified and integrated development, new development shall include the following:
 - 1. Design elements of new structures shall draw on elements of the existing significant buildings on the site.
 - 2. Site plans shall contain pedestrian connections throughout the site.
- E. Off-street parking and loading requirements as set forth below:
 - 1. Parking:
 - a. Parking for uses within St. Michael's Planned Development may be located anywhere within the district.
 - b. Parking shall not exceed 100 spaces.
 - 2. Loading shall comply with the requirements set forth in Section 120-172 of the City Zoning Code.
- F. This Planned Development is subject to the requirements set forth in Article XVII of the City Zoning Code regarding Planned Development Districts.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-54
(Int. No. 59)

Changing The Zoning Classification Of 869 North Clinton Avenue And 355 Clifford Avenue From R-1 Low Density Residential And 873-877 And 885-891 North Clinton Avenue From C-2 Community Center To Planned Development District #5—St. Michael's

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 869 North Clinton Avenue and 355 Clifford Avenue from R-1 Low Density Residential, and 873-877 and 885-891 North Clinton Avenue from C-2 Community Center, to Planned Development District #5-St. Michael's:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, said parcel being more particularly bounded and described as follows:

Beginning at a point at the centerline intersection of Clifford Avenue and North Clinton Avenue;

Thence 1) Southeasterly, along the centerline of North Clinton Avenue, a distance of 334 feet more or less to the centerline intersection of Evergreen

Street;

- Thence 2) Westerly, along the centerline of Evergreen Street, a distance of 677 feet more or less to a point;
- Thence 3) Northwesterly, along the westerly property line of Parcel #106.30-03-66.1 and its southerly extension, a distance of 184 feet more or less to an angle point;
- Thence 4) Northerly, along the westerly property line of Parcel #106.30-03-66.1 and its northerly extension, a distance of 150 feet more or less to a point on the centerline of Clifford Avenue;
- Thence 5) Easterly, along said centerline, a distance of 10 feet more or less;
- Thence 6) Southerly, along the east property line of Parcel #106.30-03-66.1 and its northerly extension, a distance of 126 feet more or less to a point;
- Thence 7) Easterly, along the northerly property line of Parcel #106.30-03-66.1 and #106.30-03-66.3, a total distance of 250 feet more or less to a point;
- Thence 8) Northerly, along the easterly property line of Parcel #106.30-03-62 and its northerly extension, a distance of 125 feet more or less to a point on the centerline of Clifford Avenue;
- Thence 9) Easterly, along said centerline, a distance of 400 feet more or less to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 74

Re: Brooks Landing Revitalization Project

- R2010: Campaign 6 - Economic Vitality
- Campaign 7 - Quality Service
- Campaign 8 - Tourism Destination
- Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance No. 2003-349 relating to the development of a hotel and restaurant as part of the Brooks Landing Revitalization Project. Proposed is a lease-to-sale agreement with Rochester Riverfront Properties, L.P., of Sub-Area I in the Brooks Landing Urban Renewal District.

Under the agreement, the City will lease the development parcel(s) to Rochester Riverfront Properties L.P. for \$1.00. During the term of the lease, implementation items, required by NYS Department of Environmental Conservation (DEC) approved corrective action plan (CAP), will be completed during a portion of the construction of the hotel and restaurant.

On December 31, 2005 or upon approval in writing from the DEC for the completion of all implementa-

tion items as required by the CAP, the lease will terminate and the sales provisions as previously approved by City Council, will ensue.

The lease and subsequent conveyance of the land will be contingent upon Rochester Riverfront Properties L.P. obtaining the necessary financing and the City of Rochester obtaining Federal approval of parkland conversion.

A public hearing is required.

Respectfully submitted,
William A. Johnson Jr.
Mayor

Introductory No. 74

APPROVAL OF THE LEASE TO ROCHESTER RIVERFRONT PROPERTIES, L.P. OF SUB-AREA I IN THE BROOKS LANDING URBAN RENEWAL PROJECT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the lease of approximately 3.5 acres of land constituting Sub-Area I in the Brooks Landing Urban Renewal Project to Rochester Riverfront Properties, L.P. for the sum of \$1.00 for hotel and restaurant development. The lease shall take place prior to the sale authorized in Ordinance No. 2003-349, and shall allow for the implementation of the New York State Department of Environmental Conservation (DEC) approved Corrective Action Plan for said parcel prior to the sale. The lease shall extend until December 31, 2005, or until DEC's approval in writing of the completion of the Corrective Action Plan, whichever is sooner.

Section 2. The Mayor is hereby authorized to enter into the lease agreement to effectuate this project. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect upon approval by the Federal Government of discontinuance of the use as parklands of the portion of the parcel which is currently dedicated to park purposes as a part of Genesee Valley Park.

Item held.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 80

Re: Appropriation of Funds for the Asset Control Area Agreement (ACA) for Property Management Services and Real Estate Broker Listing Services

- R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Rochester ACA Agreement. This legislation proposes appropriating \$20,000 from the Homeownership Investment Program (HIP) to pay for property management and maintenance services for properties acquired through the Asset Control Area Agreement. This legislation further proposes:

1. Authorizing an agreement with Napier Enterprises, LLC and Robert D. Napier, DBA, HouseKey Properties (both of 56 Potomac St.

Rochester) to provide property management services for the ACA program; and

- 2. Authorizing an agreement with Vincenzo Cilino, Broker/Owner, DBA Encel Homes (96 Empire Blvd., Rochester) to provide property listing services at a commission of 6% per property for ACA properties that are to be rehabilitated and sold directly by the City of Rochester.

The ACA Agreement between HUD and the City of Rochester was authorized by Council on May 13, 2003. It is anticipated that between 100 and 150 properties will be acquired through the ACA program each year and between 30 and 50 of these properties will be rehabilitated and sold directly by the City of Rochester.

Both the property management company and the listing broker were selected through a Request for Proposal process. A similar agreement was authorized for the previous ACA program on September 15, 1999.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 80

AUTHORIZING AGREEMENTS FOR THE ASSET CONTROL AREA (ACA) PROGRAM

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Napier Enterprises, LLC and Robert D. Napier, DBA HouseKey Properties, for the management and maintenance of properties acquired by the City from HUD under the Asset Control Area (ACA) Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from Homeownership Investment Program (HIP) Funds.

Section 3. The Mayor is further authorized to enter into an agreement with Vincenzo Cilino, DBA Encel Homes, for property listing services for ACA properties that are to be rehabilitated and sold directly by the City.

Section 4. The agreement shall obligate the City to pay a commission in the amount of 6% per property listed and sold, which amount is hereby appropriated from sale proceeds.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Item held.

By Councilmember Mains
February 24, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 60 - Authorizing An Agreement For A Human Services Project

Respectfully submitted,
Tim O. Mains
Lois J. Giess
PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-55
Re: Agreement - Human Services Project

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Fatherhood Resource Initiative to administer the DuBois Urban Youth Training Program at a maximum cost of \$40,000.

The DuBois Urban Youth Training Program is in the third year of CDBG funding. It is considered a project with matching funds and is therefore eligible for up to five years of funding under the human services funding guidelines approved by City Council in June 1981. The most recent agreement for these services was authorized by Council on March 11, 2003.

The cost of the agreement will be financed from the General Community Needs allocation of the 2003-04 Community Development Block Grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-20

Ordinance No. 2004-55
(Int. No. 60)

Authorizing An Agreement For A Human Services Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for Human Services Projects in amounts not to exceed the following:

<u>Organization</u>	<u>Amount</u>
Rochester Fatherhood Resource Initiative	
DuBois Urban Youth Training Program	\$40,000

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
February 24, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 62 - Authorizing An Agreement With The County Of Monroe For The Sharing Of Geographic Information Systems (GIS) Data Files

Int. No. 63 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A New Water Works Operations Center

Int. No. 64 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,300,000 Bonds Of Said City To Finance The Additional Cost Of Planning And Implementing The Design Of And The Construction Of A New City Operations Center Building

Int. No. 65 - Establishing Maximum Compensation For A Professional Services Agreement For Engineering Design Services For The South Avenue Garage Rehabilitation Project

Int. No. 66 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$310,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing The Design Of Structural Improvements To The South Avenue Parking Garage Within The City

Int. No. 67 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The State Street Underpass Improvement Project

Int. No. 76 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services And Appropriating Funds For The West Ridge Road Improvement Project

Int. No. 77 - Authorizing An Agreement For Fuel Storage System Facilities At The Fast Ferry Terminal And Amending The 2003-04 Budget

The Parks, Public Works & the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 61 - Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2004-05

Int. No. 68 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 69 - Local Improvement Ordinance - Security At The Public Market

Int. No. 70 - Authorizing Changes In The Pavement Width Of Columbia Avenue And Jefferson Avenue As A Part Of The Columbia Avenue Improvement Project

Respectfully submitted,

Robert J. Stevenson
Brian F. Curran (Voted against Int. No. 63 And Int. No. 64.)
Adam C. McFadden
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-56
Re: Inter-Municipal Data Sharing Agreement

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for sharing Geographic Information System (GIS) data files between the City Water and Lighting Bureau and the County Pure Waters Division.

The Pure Waters Division of the Monroe County Department of Environmental Services has requested permission to obtain the GIS data files of the City's water distribution system. This information is being requested for the exclusive use of Pure Waters field personnel and would be used to reduce potential utility construction conflicts and aid in their efforts to address sewer inflow and infiltration problems.

The Bureau of Water & Lighting maintains more than 50 types of records for various water system features. Because of security concerns, the water system data files that will be provided to the County under this agreement will be limited to the location of water mains and hydrants as well as the size of water mains and miscellaneous hydrant information. Conditions for limiting access of the water system data files to authorized County users will also be incorporated into the agreement.

In return, the County has offered to share its City Pure Waters District sewer system GIS data files.

This agreement will be an open-ended agreement that can be terminated by either party at any time.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-56
(Int. No. 62)

Authorizing An Agreement With The County Of Monroe For The Sharing Of Geographic Information System (GIS) Data Files

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for the sharing of Geographic Information System (GIS) data files between the City's Water and Lighting Bureau and the County's Pure Waters Division.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-57 And
Ordinance No. 2004-58
Re: New Water Works Operations Center

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the new Water Works Operations Center. This legislation proposes:

1. Authorizing an agreement with LaBella Associates, P.C., 300 State Street, Rochester, NY 14614, to provide full Architectural and Engineering design and construction administration services for a new Operations Center; and
2. Authorizing the issuance of bonds totaling \$1,300,000 and appropriating the proceeds thereof to finance the cost of this agreement. \$1,274,000 will be appropriated from Water bonds and \$26,000 will be appropriated from Parking bonds.

The Rochester Water Works, which has been in operation since 1876, is headquartered on a 7.4-acre parcel located at the intersection of Dewey Avenue and Felix Street. The original buildings of this complex were constructed in 1913; others were added in the mid-to late 1930's. The buildings have exceeded their useful lives and are in severe need of replacement.

In 1998, the Capital Improvement Committee toured the facility and agreed that new construction would be necessary. It is estimated that renovation costs would exceed \$5,000,000; mechanical systems, windows, roof and internal structures would have to be replaced. New construction would be more cost-beneficial. Since then, as you are aware, there have been discussions regarding merging City water operations with the Monroe County Water Authority. A proposal to purchase the City's water system was submitted by the MCWA to the City in April 2002. The proposal was reviewed in detail by the City. Following serious deliberation, it was determined that the offer was inadequate and would result in a major loss of assets. The proposal was rejected in November 2002. The City has received no further communication from MCWA altering its proposal. Therefore, it is recommended that the City undertake at this time the reconstruction of the water works.

It is envisioned that the new complex will consist of the following buildings: office/administration; vehicle/fleet storage; parts/material storage with loading dock; repair shop for water and parking meters, hydrants, and small equipment; and a covered storage shed for larger inventory. The design of the facility will incorporate current communication and security technology and energy-use standards; and it will be fully accessible to the handicapped.

Under the proposed agreement, LaBella Associates will provide a detailed design report and contract documents with associated cost estimates for a new operations center on the Felix Street site. LaBella Associates is recommended based upon previous experience, their work on the Concept Design phase, a proposal submitted, and an interview with the firm.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2004-57
(int. No. 63)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A New Water Works Operations Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$1,300,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates, PC for engineering design and construction administration services for a new Water Works Operations Center. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Santiago, Stevenson - 7.

Nays - Councilmember Curran - 1.

Ordinance No. 2004-58
(Int. No. 64)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,300,000 Bonds Of Said City To Finance The Additional Cost Of Planning And Implementing The Design Of And The Construction Of A New City Operations Center Building

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of planning and implementing the design of and the construction of a new City Operations Center Building for the Bureau of Water, Lighting and Parking Meter Operations in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be in excess of \$1,419,000. The plan of financing includes the issuance of \$1,300,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$119,000 bonds previously appropriated in Ordinance No. 2002-396, and the levy and collection of an ad valorem tax on all taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,300,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein

called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00a.11(a) of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized

and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Santiago, Stevenson - 7.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-59 And
Ordinance No. 2004-60
Re: South Avenue Parking Garage
Rehabilitation Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the South Avenue Parking Garage. This legislation proposes:

- 1. Authorizing bonds in the amount of \$310,000 and appropriating the proceeds thereof to finance the cost of the improvements; and
- 2. Authorizing an agreement with The Sear Brown Group, 85 Metro Park, 14623, for engineering design services at a maximum amount of \$310,000 which shall be financed from the proceeds of the appropriation requested herein.

The South Avenue Garage has more than 1,800 parking spaces. It was built in 1971, has surpassed its original life expectancy and is deteriorating. The proposed rehabilitation project will include structural repairs to the concrete decks, columns and beams; critical architectural, electrical, plumbing, mechanical and signage improvements.

Two high priority structural repair projects identified in the "1998 Comprehensive Rehabilitation and Maintenance Plan" for the garage were completed in 1999 and 2001. This project implements additional action items identified in the 1998 plan.

The estimated cost of actual construction is \$5,000,000, which is included in the 2003-2004 Capital Improvement Program.

Requests for proposals for engineering services were sent to three local firms. Three proposals were received. The Sear Brown Group was selected based upon the quality of its proposal, its qualifications, ability to do the work and its familiarity with the project. The engineering design services will be funded from the proceeds of the proposed bond authorization (\$310,000) which is included in the 2002-2003 Capital Improvement Program.

It is anticipated that construction will take place in 2005 and 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-21

Ordinance No. 2004-59
(Int. No. 65)

Establishing Maximum Compensation For A Professional Services Agreement For Engineering Design Services For The South Avenue Garage Rehabilitation Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$310,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Sear Brown Group for engineering design services for the South Avenue Garage Rehabilitation Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-60
(Int. No. 66)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$310,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing The Design Of Structural Improvements To The South Avenue Parking Garage Within The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of planning and implementing the design of structural improvements to the South Avenue Parking Garage within the City (the "Project"). The total estimated maximum cost of said specific object or purpose, described herein, including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be \$310,000. The plan of financing includes the issuance of \$310,000 bonds of the City, and said amount is hereby appropriated therefor, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$310,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$310,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.12 of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Santiago,

Stevenson - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-61
Re: Amendatory Design Agreement - State
Street Underpass Improvement Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending an agreement with Dewberry, Inc., 700 Alliance Building, 183 East Main Street, Rochester, NY for additional engineering services in the amount of \$22,310 for the State Street Underpass Improvement Project. This will increase the total maximum cost of the agreement from \$130,000 (approved by Council on March 19, 2002) to \$152,310. The cost of the amendatory agreement will be financed from a bond ordinance, which was authorized by Council on May 13, 2003 to finance the costs of construction and reconstruction for this project.

The State Street Underpass Project is intended to improve and enhance the physical and visual gateway between Center City and the High Falls Entertainment District and Frontier Field. The physical and visual barriers include both the Inner Loop and CSXT underpasses at State Street. The project will provide aesthetic, pedestrian safety, and lighting enhancements.

The proposed amendatory agreement will provide for additional subsurface explorations, geo-technical and structural analysis, and design of traffic signal modifications. The additional services have been provided in response to recommendations made during the design workshops held for the project.

Construction of the project is scheduled to begin this Spring and be substantially completed by Fall, 2004. A public workshop was held on October 2, 2002 and there were two project related charrettes on January 15, 2003 and February 5, 2003, the minutes of which are on file in the City Clerk's Office. A public informational meeting will be held prior to the start of construction.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-22

Ordinance No. 2004-61
(Int. No. 67)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The State Street Underpass Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$22,310, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Dewberry, Inc., for engineering design services for the State Street Underpass Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of

the Project. Said amount shall be funded from Bond Ordinance No. 2003-139.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-62
Re: West Ridge Road Public Improvement
Project (Hanford Landing Road to the
Veteran's Memorial Bridge)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the West Ridge Road Public Improvement project (Hanford Landing Road to the Veteran's Memorial Bridge). This legislation proposes:

1. Authorizing appropriation of \$781,000 in anticipated federal and state reimbursements to finance: a) the cost of demolition and site preparation required for installation of the public improvements, and b) the cost of resident project representation services related to the demolition; and
2. Authorizing an agreement with Bergmann Associates, 200 First Federal Plaza, for resident project representation services for the demolition at a maximum cost of \$68,000, which will be financed from the appropriations requested herein.

The West Ridge Road Public Improvement Project is a state highway project authorized by Council on August 10, 1999 and financed by Federal and State funds. The project involves significant realignment of West Ridge Road, construction of a new two-way frontage road adjacent to the properties on the south side of West Ridge Road between Ridgeway Avenue and Maplewood Drive; replacement of the existing pedestrian bridge; select replacement and adjustment of water mains; drainage improvements; signalized intersection upgrades; new street lighting system; and landscaping, trail and sidewalk improvements. This project has required extensive acquisition of properties and demolition of the structures on those properties.

The proposed legislation will provide financing for the demolition, site preparation improvements and resident project representation services for the demolition. The estimated cost for the demolitions is \$713,000, which will be financed from the appropriation requested herein. The contract for demolition was advertised for bid on January 26, 2004. It is anticipated that demolition will begin in March and be completed in May. Construction of the project is scheduled to begin in July, 2004 and substantial completion of the project is expected in late 2005.

Design of the project by Bergmann Associates was authorized by Council on April 18, 2000. Bergmann was selected to provide resident project representation services because of its ability to perform the services within the period specified by the City and because of its familiarity with the project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Stevenson moved to amend Introductory No. 76.

Motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Ordinance No. 2004-62
(Int. No. 76, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services And Appropriating Funds For The West Ridge Road Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$[68,000] 100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for resident project representation services related to the demolition of parcels as a part of the West Ridge Road Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$[54,400] 80,000 shall be funded from the appropriation made in Section 2 and \$[13,600] 20,000 shall be funded from the appropriation made in Section 3.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$[624,800] 340,000, or so much thereof as may be necessary, to fund a portion of the demolition and site preparation required for the installation of public improvements, and the cost of resident project representation services related to the demolition, as a part of the West Ridge Road Improvement Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$[156,200] 85,000, or so much thereof as may be necessary, to fund a portion of the demolition and site preparation required for the installation of public improvements, and the cost of resident project representation services related to the demolition, as a part of the West Ridge Road Improvement Project.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-63
Re: Port of Rochester Fast Ferry
Terminal Facilities

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation:

- 1. Authorizing an agreement with Canadian American Transportation Systems (CATS) re-

lated to financing construction of fuel storage system facilities at the Fast Ferry Terminal;

- 2. Appropriating anticipated reimbursements from CATS in the amount of \$421,000 to finance the cost of constructing the fuel storage system facilities at the Port of Rochester; and
- 3. Amending the 2003-04 Budget by increasing Cash Capital and anticipated revenues by \$421,000.

The City had originally anticipated that the fuel required for operation of the fast ferry would be brought in by truck on an as-needed basis and that it would be pumped directly from the fuel truck into the fast ferry vessel. In response to concerns raised by Homeland Security, the Rochester Fire Department and CATS, it was determined that the fuel should be brought to the site by truck and stored on-site in below ground storage tanks. CATS subsequently retained engineering consultants to design the on-site storage system. CATS was awarded a grant from the Federal Transportation Security Administration, which will be used to finance construction of the system.

CATS requested that the City administer installation of the fuel storage system to facilitate the coordination of other construction at the site and to accomplish the installation within the time required. As property owner, the City administered preparation of the contract documents and advertised the contract for bid. Bids were received on December 16, 2003, and the work will be performed by Lancaster Tank & Steel Products (fuel tank supplier) and Crane-Hogan Structural Systems (fuel system installation). Construction costs, including contingency and resident project representation, are estimated to be \$421,000 and will be financed from the appropriation requested herein. Resident Project Representation will be performed by LaBella Associates as part of the existing agreement, authorized by Council on April 8, 2003.

The fuel storage system is an improvement on property owned by the City and located within the area leased to CATS for operation of the Fast Ferry Terminal. CATS will be responsible for operation, management and maintenance of the system for the life of the lease.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-63
(Int. No. 77)

Authorizing An Agreement For Fuel Storage System Facilities At The Fast Ferry Terminal And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Canadian American Transportation Systems (CATS) for funding for the construction of fuel storage system facilities at the Fast Ferry Terminal.

Section 2. The agreement shall obligate CATS to pay to the City an amount not to exceed \$421,000 in reimbursements, and said amount, or so much thereof as may be necessary, is hereby appropriated to fund the construction of fuel storage system facilities at the Fast Ferry Terminal.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$421,000, which amount shall be funded from the appropriation made in Section 2.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement No. 1524
Re: Care and Embellishment of Malls

R2010: Campaign 1 - Involved Citizens
Campaign 3 - Health, Safety
and Responsibility
Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls for 2004-05 and apportioning the associated costs of \$78,297 among the benefited properties.

The annual care and embellishment program provides for the maintenance of 24 street malls, by either the Department of Parks, Recreation and Human Services or Street Associations. Minimum standards of maintenance are established by the City.

When a Street Association accepts responsibility, it may augment or enhance the level of care, subject to the willingness of the property owners on the affected street to pay the additional costs. All maintenance, however, is monitored by City staff.

The costs of the maintenance are apportioned among the benefited properties on the basis of the specified unit charges for each area. Charges are included on annual tax bills for each property and are payable in July. Until these payments are received, the City advances the necessary funds to the Street Associations.

In 2003-04, twelve malls were maintained by the City and twelve malls were maintained by Street or Neighborhood Associations. The total authorized costs were \$30,800 and \$43,863, respectively.

In 2004-05, the City will be responsible for the maintenance of twelve malls at a total cost of \$31,500. Street associations will be responsible for the maintenance of twelve malls at a total cost of \$46,797. A list of malls and their associated costs for 2004-05 is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-23

Local Improvement Ordinance No. 1524
(Int. No. 61)

Local Improvement Ordinance - Care And

Embellishment Of Various Neighborhood Street Malls For 2004-05

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. It is hereby determined that the following improvements and work are necessary, required and shall be made:

a. The care and embellishment of the following streets hereinafter referred to as "Group I" during 2004-05:

	\$
Boulevard Parkway	
1,841.00	
Burke Terrace	409.00
Carthage Drive	511.00
Central Park	4,604.00
Elmwood Mall	2,864.00
Glendale Park	1,535.00
Knickerbocker Street	1,535.00
Nye Park	1,637.00
Raines Park	1,023.00
Seneca Parkway	11,040.00
Sumner Park	2,660.00
Werner Park	—
<u>1,841.00</u>	<u>\$31,500.00</u>

b. The care and embellishment of the following streets hereinafter referred to as "Group II" during 2004-05:

	\$
Arnold Park	
3,095.00	
Hazelwood Terrace	1,940.00
Highland Parkway	1,420.00
Hillside Avenue	2,260.00
Huntington Park	3,092.00
Lafayette Park	5,505.00
Lakeview Park	4,716.00
Nunda Boulevard	6,389.00
Oxford Street	10,000.00
Portsmouth Terrace	2,000.00
Rundel Park	3,980.00
Sibley Place	—
<u>2,400.00</u>	<u>\$46,797.00</u>

Section 2. The district of assessment for each street mall shall consist of all the parcels of property that front on the mall, or on any extension of the street or streets containing the mall up to the next intersecting street. The cost of maintenance of each street mall, in the amount set forth in Section 1, shall be apportioned among the parcels in the district based on each parcel's footage along the street containing the mall.

Section 3. Assessments for the cost of such improvements and work shall be due in one payment and shall be added to the tax rolls for the fiscal year commencing July 1, 2004.

Section 4. The total cost of such improvements and work, estimated at \$78,297.00, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said sum, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. The work described for Group I shall be performed by or at the direction of the Bureau of Parks and Recreation.

Section 6. It is hereby determined that it is imprac-

ticable to have the work described herein for Group II done by competitive contract. Therefore, contracts for the work described herein for Group II may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Santiago, Stevenson - 8.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement No. 1525 And
Local Improvement No. 1526
Re: Public Market Snow Removal
and Security Services

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving assessments and apportionments for snow removal and security services at the Public Market.

The Snow Removal and Security Services Districts were established by City Council on May 22, 1990 and August 13, 1991, respectively. Both districts include 18 properties that are adjacent to the Public Market; three of these properties are owned by the City.

The Department of Parks, Recreation and Human Services provides special snow removal and security services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 p.m. to 5:00 a.m. on Monday through Saturday and all day Sunday and certain holidays.

A part of the cost for these services is financed from the Public Market Fund. The remainder of the cost is apportioned among the properties within the district. These assessments include (1) a fixed fee for each property and (2) an additional fee for each front foot of each property.

Three of the properties are now owned by the City of Rochester. Although the portion of the assessment assigned to them was used for the determination of the total assessment, the sum of the three City-owned properties was subtracted from the total assessment levied as an efficiency measure.

In 2004-2005 for snow removal services, the fixed fee will be \$100 per property while the footage fee will be \$2.34 per foot. The total amount of assessment will be \$5,689.88, which is \$4,072.74 more than the 2003-2004 amount.

	Approved 2003-2004	Proposed 2004-2005
Fixed Fee	\$ 100.00	\$
100.00		
Number of Properties	18.00	
<u>18.00</u>		

Fixed Fee Total	\$1,800.00	\$1,800.00
Footage Fee	\$ -.11	\$
2.34		
Footage	<u>1,662.34</u>	
1,662.34		
Footage Fee Total	\$ -182.86	\$3,889.88
Total Assessment	\$1,617.14	\$5,689.88
Less City Portion	<u>(772.85)</u>	
(772.85)		
Adjusted Assessment	\$1,339.63	\$4,917.03

For security services, the fixed fee will be \$990 per property, while the front footage fee will be \$5.09 per foot. The total amount of the assessment will be \$26,281.31, which is the same as the 2003-2004 amount.

	Approved 2003-2004	Proposed 2004-2005
Fixed Fee	\$ 990.00	\$
990.00		
Number of Properties	<u>18.00</u>	
18.00		
Fixed Fee Total	\$17,820.00	\$17,820.00
Footage Fee	\$ 5.09	\$
5.09		
Footage	<u>1,662.34</u>	
1,662.34		
Footage Fee Total	\$ 8,461.31	\$
8,461.31		
Total Assessment	\$26,281.31	\$26,281.31
Less City Portion	<u>(4,010.99)</u>	<u>(</u>
(4,010.99)		
Adjusted Assessment	\$22,270.32	\$22,270.32

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-24

Local Improvement Ordinance No. 1525
(Int. No. 68)

Local Improvement Ordinance - Snow Removal At The Public Market

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council authorizes special snow plowing and salting services for the Public Market during the fiscal year from July 1, 2004 to June 30, 2005.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2004-05 year shall be \$5,689.88. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus two dollars and thirty-four cents (\$2.34) per foot of frontage that receives plowing and/or salting services. The frontage may be on

more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u> <u>SBL No.</u>	<u>Front Footage</u>
248 N. Union Street 106.660-0001-014	558.27
171 Railroad Street 106.670-0001-078	190.25
156 Public Market 106.670-0001-074	126.31
160 Public Market 106.670-0001-075	42.58
166 Public Market 106.670-0001-076	35.62
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Avenue 106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The snow plowing and salting services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2004 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Santiago, Stevenson - 8.

Nays - None - 0.

Local Improvement Ordinance No. 1526
(Int. No. 69)

Local Improvement Ordinance - Security At The Public Market

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council authorizes special security services for the Public Market during the fiscal year from July 1, 2004 to June 30, 2005.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that half the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2004-05 year shall be \$26,281.31. The amount to be assessed against each parcel shall include a fee of nine hundred ninety dollars (\$990.) per parcel plus five dollars and nine cents (\$5.09) per foot of frontage. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u> <u>SBL No.</u>	<u>Front Footage</u>
248 N. Union Street 106.660-0001-014	558.27
171 Railroad Street 106.670-0001-078	190.25
156 Public Market 106.670-0001-074	126.31
160 Public Market 106.670-0001-075	42.58
166 Public Market 106.670-0001-076	35.62
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Avenue 106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2004 and shall be due in one

installment.

Section 5. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Santiago, Stevenson - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-64
Re: Columbia Avenue Improvement Project

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing pavement width changes, as part of the Columbia Avenue Improvement Project, as follows:

1. On Jefferson Avenue, a decrease of ten feet, from 38 feet to 28 feet, beginning 50 feet south of Columbia Avenue to 50 feet north of Columbia Avenue; and
2. On Columbia Avenue, an increase of 8 feet along the north side, from 25 feet to 33 feet, beginning 15 feet east of Jefferson Avenue to 72 feet east of Jefferson Avenue.

The project, designed by City staff, includes pavement reconstruction; new concrete sidewalks, driveway aprons, granite curbing, water services, hydrants and catch basins; street lighting adjustments; removal of the traffic signal at Reynolds Street; and tree planting.

The pavement narrowing on Jefferson Avenue will improve sight distances for vehicles on Columbia Avenue. The pavement width increase on Columbia Avenue will provide for a recessed parking area adjacent to commercial property, for two vehicles.

A public informational meeting was held on October 7, 2003. Minutes of this meeting are attached. An additional public informational meeting was held on January 21, 2004, and minutes of the meeting will be forwarded when available.

The pavement width changes were endorsed by the Traffic Control Board at the February 3, 2004 meeting. Construction is scheduled to begin in the Spring of 2004 and be completed in the Fall of 2004.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-25

Ordinance No. 2004-64
(Int. No. 70)

Authorizing Changes In The Pavement Width Of Columbia Avenue And Jefferson Avenue As A Part Of The Columbia Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a decrease of 10 feet, from 38 feet to 28 feet, in the pavement width of Jefferson Avenue, beginning 50 feet south of Columbia Avenue to 50 feet north of Columbia Avenue, as a part of the Columbia Avenue Improvement Project.

Section 2. The Council hereby further approves an increase of 8 feet along the north side, from 25 feet to 33 feet, in the pavement width of Columbia Avenue, beginning 15 feet east of Jefferson Avenue to 72 feet east of Jefferson Avenue, as a part of the Columbia Avenue Improvement Project.

Section 3. Such changes and additional changes as a part of the Columbia Avenue Improvement Project shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
February 24, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 71 - Cancellation Of Taxes And Charges

Int. No. 72 - Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Communications Center

Int. No. 73 - Authorizing A Grant Agreement And Amending The 2003-04 Budget Of The Rochester Fire Department

The Finance & Public Safety Committee recommends for consideration the following entitled legislation:

Int. No. 75 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Homicide Prevention Study And Amending The 2003-04 Budget

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran (Voted against Intro. No. 75)
Robert J. Stevenson
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-65
Re: Cancellation or Refund of Erroneous
Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$13,970.55.

A sum of \$7,993.44 or 57.22% of the total, is attributed to 2 properties which are eligible for 100% not-for-profit exemptions.

An amount of \$5,977.11 or 42.78% of the total, relates to 3 properties that had code violation, rehabilitation and delinquent water charges that were voided by a mortgage foreclosure action or were attributed to a former owner.

If this cancellation is approved, total cancellations thus far for 2003-04 will be \$116,956.92.

	<u>Accounts</u>	<u>Amounts</u>
City Council	26	\$ 93,466.71
Administrative	86	23,490.21
Total	112	\$116,956.92

These cancellations represent .055% of the tax receivables as of July 1, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-65
(Int. No. 71)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) The property was purchased by a tax exempt organization prior to levy of tax.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Amount Canceled</u>
	<u>Tax Year</u>		
090.510-0003-023	H	61 Clay Avenue	
	2004		\$ 1,443.03
105.660-0003-032	NH	299 Whitney Street	
	2003		3,170.95
	2004		3,379.46
Subtotal			\$ 7,993.44

- (b) Code violations, delinquent refuse, delinquent water, and rehabilitation charges were accrued by prior owners or contractors doing business on the properties. The charges will be entered by MCVB as judgments against the correct individuals.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Amount Canceled</u>
	<u>Tax Year</u>		
105.340-0003-039	H	62 Locust Street	
	2004		\$ 1,882.50
107.640-0002-029	H	855 Grand Avenue	
	2004		2,294.61
120.520-0002-060	H	325 Tremont Street	
	2004		1,800.00
Subtotal			\$ 5,977.11
Grand Total			\$13,970.55

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-66
Re: Fire Department Management System

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing a one year project agreement with Northrup Grumman Public Safety Inc. of Reston, Virginia to modify the Computer Aided Dispatch system at the Emergency Communications Center. The total cost of the agreement, will not exceed \$20,000, and will be funded from 2002-03 Cash Capital as part of the Record Management System project.

Northrup Grumman is the sole source provider for upgrades of the 911 CAD system. The modification will allow the Center to provide data to the Fire Department for their new computerized records management system. The records management system will be provided by Alpine Software Corporation as authorized by Council on November 18, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-66
(Int. No. 72)

Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Communications Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Northrup Grumman Public Safety Inc. for improvements to the computer aided dispatch system at the Emergency Communications Center. Said amount shall be funded from the 2002-03 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-67
Re: 2003-04 Budget Amendment - Protective Equipment for Firefighters

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation amending the 2003-04 Budget by transferring \$21,600 from Contingency to Cash Capital and increasing revenue by \$50,200. The increase reflects a grant from the Federal Emergency Management Agency under the Department of Homeland Security Emergency Preparedness & Response Directorate for the

Assistance to Firefighters Grant Program.

This Federal grant program provides funding to support firefighters by increasing the effectiveness of operations, health and safety programs, new apparatus, emergency medical service programs, and fire prevention and safety programs. Fire departments in areas serving populations over 50,000 must agree to match the Federal grant funds with an amount of non-Federal funds equal to 30 percent of the total project cost, in this case approximately \$21,540.

The total amount of \$71,800 will fund the purchase of Self-Contained Breathing Apparatus (SCBA) for the Rochester Fire Department. The personal protective equipment to be purchased includes three types of SCBA's including Rapid Intervention Team units (RIT packs), one hour packs to be used by the Hazardous Materials Team, and specialized packs designed for use by the Confined Space Team.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-67
(Int. No. 73)

Authorizing A Grant Agreement And Amending The 2003-04 Budget Of The Rochester Fire Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Emergency Management Agency for funding under the Department of Homeland Security Emergency Preparedness & Response Directorate Assistance to Firefighter Grant Program for the purchase of self-contained breathing apparatus for the Rochester Fire Department.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Fire Department by the sum of \$71,800, of which amount \$50,200 is hereby appropriated from funding from the Federal Emergency Management Agency and \$21,600 is hereby transferred from the Contingency Account to fund the purchase of self-contained breathing apparatus.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-68
Re: Agreement for Study of Homicide Victims

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith is legislation:

- 1. Amending an agreement with Costa & Associ-

ates (Principal, Sue Costa), 41 Spier Avenue, Rochester, to continue a study of the City's 2003 homicide victims; and

- 2. Amending the 2003-04 Mayor's Office Budget by re-appropriating \$20,000 from the Anti-Drug Initiative Funds.

Earlier this month, the administration initiated an agreement for \$10,000 with Costa & Associates for initial design of a study to examine the demographic and social features of the lives of homicide victims. The goal of the analysis is to identify early intervention strategies aimed at reducing the number of future homicides.

This amendatory agreement, for a maximum of an additional \$20,000, would provide for full implementation of the study. The agreement will be funded from the 2002-03 Anti-Drug Initiative Funds.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember McFadden moved to have Introductory No. 75 return to committee.

The motion was seconded by Councilmember Mains.

The motion failed by the following vote:

Ayes - Councilmembers Mains, McFadden, Santiago - 3.

Nays - President Giess, Councilmembers Curran, Douglas, Norwood, Stevenson - 5.

Ordinance No. 2004-68
(Int. No. 75)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Homicide Prevention Study And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Costa & Associates for a study to identify potential early intervention strategies that may reduce the number of homicides in the City. Said amount shall be funded from the 2003-04 Budget of the Office of the Mayor.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Office of the Mayor by the sum of \$20,000, which amount is hereby reappropriated from 2002-03 Anti-Drug Initiative Funds.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Norwood, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, Mains - 2.

The meeting was adjourned at 9:20 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

aneous Taxes and Charges. 3761-7
Owner Occupants Auction - April 6, 2004.
3762-7
Public Disclosure - CDBG Participation. 3763-7

Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3764-7

The Director of Zoning Submits Notices of Environmental Determination.
1000 North River Street (formerly 4752 Lake Avenue). 3765-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

By President Giess - Petition submitted with 43 signatures opposing taxi changes in the Taxicab Legislation. Petition No. 1603

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Authorizing Amendatory 2002-03 And 2003-04 Community Development Program Plans, Appropriating Funds For The School #34 Tutoring Program And Amending Ordinance No. 2003-10 Int. No. 90
No speakers.

Amending The 2003-04 Community Development Program By Transferring Funds To The Job Creation/Youth Development Account Int. No. 91
No speakers.

Approval Of The Lease To Rochester Riverfront Properties, L.P. Of Sub-Area I In The Brooks Landing Urban Renewal Project, As Amended Int. No. 74
No speakers.

Approving The Dedication Of Portions Of 900 West Broad Street And 242-248 Jay Street To Street Purposes As A Part Of The West Broad Street Improvement Project No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
March 23, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 81 - Authorizing The Sale Of Real Estate

Int. No. 82 - Authorizing An Amendatory Agreement For Housing Program Arbitration Services And Amending Ordinance No. 2003-25

Int. No. 83 - Authorizing An Application And Agreements Relating To The Housing Opportunities For Persons With AIDS Program And Amending Ordinances

Int. No. 84 - Authorizing A Lease Agreement For The North Street Community Center

REGULAR MEETING
MARCH 23, 2004

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - none - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF THE MINUTES
By Councilmember Stevenson

RESOLVED, that the minutes of the Regular Meeting of February 24, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:
Administrative Cancellation or Refund of Er-

Int. No. 85 - Amending Ordinance No. 2003-177 Relating To The North Clinton Avenue Revitalization Project

Int. No. 86 - Amending The Municipal Code With Respect To Taxicabs

Int. No. 3 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

Int. No. 74 - Approval Of The Lease To Rochester Riverfront Properties, L.P. Of Sub-Area 1 In The Brooks Landing Urban Renewal Project, As Amended

Int. No. 80 - Authorizing Agreements For The Asset Control Area (ACA) Program

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 105 - Authorizing A Memorandum Of Understanding For The Genesee Commons Redevelopment Project

Respectfully submitted, Wade S. Norwood, William F. Pritchard, Adam C. McFadden, Lois J. Giess, Gladys Santiago, HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2004-69 Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of twelve properties. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first five properties are structures that were sold at the November 18, 2003 Public Auction. The purchasers will be required to rehabilitate the structures within nine months of the closing.

The next two properties are vacant lots that were sold at the November 18, 2003 Public Auction, subject to the acceptance of a development proposal. The parcel at 935-945 Clifford Avenue will be developed as a parking lot to be utilized in conjunction with the purchaser's existing property. The property at 423-429 Hudson Avenue will be fenced and landscaped and combined with the purchaser's adjoining property.

The next property is a structure that was sold at the June 19, 2003 Public Auction, subject to the acceptance of a development proposal. The property will be rehabilitated as a three family within five months of the closing.

The next two properties are vacant lots that are being sold to the adjoining owners for their appraised values. The parcels will be combined with the purchasers' adjoining properties.

The next property is a two family structure that was sold at the July 28, 2003 Request for Proposal sale. The property will be rehabilitated as an owner occupied single family structure.

The last property is an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The parcel is considered unbuildable due to its size.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted, William A. Johnson, Jr. Mayor

Attachment No. AD-27

Councilmember Norwood moved to amend Introductory No. 81.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Ordinance No. 2004-69 (Int. No. 81, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Table with 3 columns: Address, Legal Use, Price. Rows include 308 Champlain St., 201 Clairmount St., 50 Grover St., 7 Lamont Pl., and 429 Norton St.

* Officer: Marie Mason **Officer: Magdalena Ridings

Section 2. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

Table with 3 columns: Address, S.B.L.#, Price. Row includes a vacant parcel.

935-945 Clifford Av. 106.33-3-3,4&5 \$50
Ibero-American Development Corp.*
[423-429 Hudson Av. 106.40-4-29&28 50
Tyrone Bullock]

*Officers: Betty Dwyer, Julio Vasquez, Edward Sigler

Section 3. The Council hereby further approves the sale of the following parcel of improved property with proposal by regular auction:

Address: 92 Parkway
S.B.L.#: 105.59-2-56
Price: \$2,100
Purchaser: Andrew Cardot

Section 4. The Council hereby further approves the negotiated sale of the following parcels of vacant land:

Address	S.B.L.#	Price
<u>Purchaser</u>		
N Pt 99 Scramton St. Dorsey Homes*	Pt of 106.38-3-10.1	\$174
S Pt 99 Scramton St. Basilio Morales	Pt of 106.38-3-10.1	\$175

*Officer: Willie Dorsey

Section 5. The Council hereby further approves the sale of the following parcel of improved property by request for proposal sale:

Address: 20 Sumner Pk.
S.B.L.#: 121.66-2-40
Price: \$43,000
Purchaser Paul & Katherine Tuttle

Section 6. The Council hereby further approves the sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

Address: 209 Berlin St.
S.B.L.#: 106.24-1-45
Sq. Ft.: 3317
Purchaser: Tabernacle of Faith, Inc.*

*Officers: Sylvia L. James; Joe N. James, Jr.; Karen A. James

Section 7. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 8. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-70
Re: Agreement Amendment - Arbitration and Dispute Resolution Services for City Housing Programs, Center for

Dispute Settlement, Inc.

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation:

1. Authorizing an amendatory agreement for \$3,000 with the Center for Dispute Settlement, Inc., a not-for-profit corporation, to continue services to resolve disputes between property owners and contractors during or after use of one of the City's various affordable housing rehabilitation and construction programs; and
2. Reappropriating \$3,000 from Ordinance 2003-25 authorized by Council on February 11, 2003 for Homesteading Programs, to fund arbitration services supporting the Community Development Plan Objective.

The City's rehabilitation and affordable housing programs are subject to occasional disputes concerning the type, quality and cost of construction. Historically, most of these disputes have involved property owners and contractors and involve disputed amounts of less than \$5,000. During 2003, there were four cases.

To ensure objectivity in such disputes and relieve the Department of Community Development of the often time-consuming responsibility for resolving them, this service has been in use since 1978. The Center for Dispute Settlement has been the provider since that time.

The most recent agreement was authorized by Council on May 11, 1999.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-70
(Int. No. 82)

Authorizing An Amendatory Agreement For Housing Program Arbitration Services And Amending Ordinance No. 2003-25

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Center for Dispute Settlement, Inc. for the resolution of disputes resulting from the use of the City's Affordable Housing Rehabilitation and Construction Programs.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$3,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Home Reoccupation/Vacant Grant/Homesteading Allocation of the 2002-03 Community Development Program.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2003-25, appropriating funds and authorizing agreements for the Home Reoccupation/Vacant Grant/Homesteading Programs, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$3,000, which amount is reappropriated herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-71
Re: Housing Opportunities for Persons
With AIDS Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation relating to the Housing Opportunities for Persons With AIDS (HOPWA) Program. This legislation will:

1. Authorize an application and agreement with the U.S. Department of Housing and Urban Development for receipt of a grant of \$597,000;
2. Authorize agreements with the following organizations for housing assistance services:

Organization	Amount
AIDS Rochester, Inc.	\$321,817
Catholic Charities, Inc.	207,200
The Health Association, Inc.	70,400

3. Appropriate \$17,910 to finance administrative expenses.

The cost of the agreements will be financed from the HOPWA allocation included in the 2003-04 Consolidated Community Development Action Plan and from \$20,327 of unspent HOPWA funds from prior years' allocations.

The City's 2003-04 HOPWA allocation is \$31,000 more than its 2002-03 allocation.

The HOPWA program is intended to provide "...resources and incentives for meeting the housing needs of persons with AIDS and related diseases".

Prior to 1998-99, AIDS Rochester, Catholic Charities and The Health Association received HOPWA funds through a competitive grant application process. Since 1998-99, funds have been allocated to the City as part of the consolidated entitlement program.

In 1999, a review of the housing needs and available housing services for people with AIDS was conducted by the University of Rochester. This review involved interviews with representatives of the organizations that had received HOPWA funds in the past and other agencies that serve people with AIDS. The review resulted in the recommendation that the annual grants to the aforementioned organizations be continued. A copy of the 1999 report of the University of Rochester is available for review in the Office of the City Clerk. Detailed descriptions of the programs of the aforementioned organizations are included in the report.

The agreements for the 2002-03 allocations were authorized by the City Council on February 11, 2003. Under the proposed agreements, these organizations will continue to provide long term rental subsidies, emergency rental and utility assistance and transportation.

It is expected that the following number of households

will be assisted:

Organization	Number of Households
AIDS Rochester	115
Catholic Charities	72
The Health Association	12

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-28

Ordinance No. 2004-71
(Int. No. 83)

Authorizing An Application And Agreements Relating To The Housing Opportunities For Persons With AIDS Program And Amending Ordinances

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Housing and Urban Development for funding under the Housing Opportunities for Persons With AIDS Grant Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the following organizations for services under the Housing Opportunities for Persons With AIDS Grant Program:

Organization	Amount
AIDS Rochester, Inc.	\$321,817
Catholic Charities, Inc.	207,200
The Health Association, Inc.	70,400

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$599,417, and said amount, and \$17,910 to fund administrative expenses, or so much thereof as may be necessary, is hereby appropriated or reappropriated from Housing Opportunities for Persons With AIDS Grant Funds.

Section 4. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. The following ordinances, appropriating funds and authorizing agreements for the Housing Opportunities for Persons With AIDS Grant Program, are hereby amended by reducing the amounts authorized and appropriated therein by the following amounts, which amounts are reappropriated herein:

Ordinance No.	Amount
1999-89	\$ 4,732.76
2000-47	12,275.22
2001-66	1,530.52
2002-37	1,788.30

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-72
Re: Agreement - Action for a Better
Community, Inc., North Street
Community Center

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Action for a Better Community, Inc., 550 East Main Street, Rochester, New York, to lease space (6,100 square feet) at the North Street Community Center.

Action for a Better Community, Inc. has leased this space at the center for their Child Development Program since 1973. The term of this lease will be for one year beginning May 1, 2004 and shall be renewable for nine (9) additional one-year terms.

The proposed agreement will charge ABC a maximum of \$6.00 per square foot (\$36,600.00) annually. Additionally, ABC will provide all custodial and cleaning services. The City of Rochester will continue providing heating, plumbing and electrical repairs as well as maintain the structural integrity of the community center.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-29

Ordinance No. 2004-72
(Int. No. 84)

Authorizing A Lease Agreement For The North Street Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Inc. (ABC) for the continued lease of space at the North Street Community Center for a term of one year, with nine one-year renewals. ABC shall provide all custodial and cleaning services. The City shall continue to provide heating, plumbing and electrical repairs, as well as maintain the structural integrity of the Community Center.

Section 2. The agreement shall obligate ABC to pay to the City of Rochester a maximum annual rent in the amount of \$36,600.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-73
Re: Amendment to Ordinance No.
2003-177 North Clinton Avenue

Revitalization - Property Acquisitions

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance No. 2003-177 to reflect a change in appraisal price for 822 North Clinton Avenue.

On June 17, 2003, the Council approved the acquisition of this parcel as a part of the North Clinton Avenue Revitalization Project. After the purchase option of \$75,000 was sent to the property owner, the owner provided additional information for the appraiser's consideration. After review, the appraiser agreed on the revised price of \$80,000, an increase of \$5,000.

The source of funds for acquisition is the issuance of bonds, authorized by Council on June 17, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-73
(Int. No. 85)

Amending Ordinance No. 2003-177 Relating To The North Clinton Avenue Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-177, relating to the acquisition of parcels for the North Clinton Avenue Revitalization Project, is hereby amended by authorizing an increase in the acquisition price of 822 North Clinton Avenue from \$75,000 to \$80,000. Said increase shall be funded from Bond Ordinance No. 2003-178.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-74
Re: Code Amendment - Taxicabs

R2010: Campaign 7 - Quality Service

Transmitted for you approval is legislation amending City Code Chapter 108, Taxicabs and Hack Plates, to eliminate the current restriction on the number of hack plates issued, to raise the fee for such plates, and to make additional ancillary changes to ensure both public safety and accountability.

For the past several months, an interdepartmental committee, composed of staff from the City Clerk's Office, the Police Department and the Law Department, has been reviewing portions of the City Code related to taxicabs to determine which sections no longer best serve our community.

The most significant of the proposed changes is the recommendation to eliminate the fixed number of hack plates issued by the City of Rochester and, instead, to utilize an open entry application process. Such a system has been in place in Albany since 2002 and has generally been well accepted. The legislation proposes that for an annual fee of \$500, any eligible

person interested in owning a hack plate may purchase one. The eligibility criteria include the requirement that the taxicab and the vehicle insurance certificate be registered to the hack plate owner.

The current fixed-number system was created in 1967 and the limit was set at 260 plates; for forty-five years prior to that date, the City maintained an open-entry taxicab licensing process. By eliminating the 35-year old cap on the number of hack plates the City will return a measure of opportunity to persons willing to commit to owning their own "small business," and will allow the number of taxicabs in Rochester to be determined by market demand rather than by an arbitrary rule.

To address potential questions and concerns, the committee has scheduled public meetings on March 9 and March 16. A summary of the proposed City Code changes is attached.

Respectfully submitted,
Lois J. Giess, President
Wade S. Norwood, Councilmember-at-Large

Attachment No. AD-30

Councilmember Norwood moved to amend Introductory No. 86.

The motion was seconded by Councilmember Santiago.

The motion was adopted unanimously.

Ordinance No. 2004-74
(Int. No. 86, As Amended)

Amending The Municipal Code With Respect To Taxicabs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 108 of the Municipal Code, Taxicabs, as amended, is hereby further amended as follows:

- a. Section 108-1 of the Municipal Code, Terms defined, is hereby amended by deleting the words "or a limousine license plate" where they are contained in the definition of "HOLDER" and by deleting the definition of "LIMOUSINE", and by adding the following new definition where it should appear in alphabetical order:

HOTEL/MOTEL COURTESY VEHICLE - Any motor vehicle which is used by a hotel or a motel exclusively for the transportation of patrons between such hotel or motel and airports, railroad stations, bus terminals, ferry terminals or other common-carrier stations. This definition shall not include any vehicle designated as a taxicab nor any chartered vehicle.

- b. Section 108-3 of the Municipal Code, Application for hack plates, is hereby amended in its entirety to read as follows:

Section 108-3. Application for hack plates, investigation.

- A. The application for a hack plate shall contain the name, home and business address, date of birth, social security number and home and business telephone number of

the applicant. All new applications, and all renewals for the license year beginning July 1, 2004, as well as renewals thereafter if employment eligibility is temporary, shall be accompanied by employment eligibility verification for the applicant in the form of proof of citizenship or lawful permanent resident alien or alien authorized to work status. The applicant shall also provide a copy of the New York State registration for the motor vehicle upon which the hack plate will be placed and proof of insurance for said vehicle.

- B. The Police Department shall conduct an investigation of each applicant for a hack plate, and the report of said investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Chief of Police.
- c. Section 108-4 of the Municipal Code, Number of hack plates to be issued, is hereby repealed. There is hereby added the following new Section 108-4:

Section 108-4. Hack plate holders.

- A. A hack plate holder shall be the person responsible for the operation of a taxicab bearing such hack plate.
- B. The motor vehicle upon which the hack plate is placed must be registered and insured in the hack plate holder's name throughout the term of the hack plate. The insurance for such vehicle shall not expire, nor be canceled, altered or amended except upon ten (10) days' written notice to the City Clerk served personally or by certified mail.
- C. A hack plate holder shall ensure that all drivers of the taxicab bearing such hack plate have valid taxicab driver's licenses and valid New York State chauffeur's licenses.
- d. Section 108-5 of the Municipal Code, Minimum hours; abandonment and surrender of hack plates, is hereby amended in its entirety to read as follows:

Section 108-5. Abandonment and surrender of hack plates.

A hack plate shall be deemed abandoned whenever the holder of the hack plate no longer owns a taxicab or no longer possesses a New York State taxicab registration plate, whenever the hack plate expires without being renewed within the prescribed period or whenever a taxicab has not passed the City of Rochester vehicle inspection within the prescribed time period. The Chief of Police shall notify the holder, in writing, of the abandonment of a hack plate. A holder so notified shall be given ten (10) days to request a hearing to show why the hack plate should not be deemed abandoned. Upon a showing of serious illness or personal emergency or other good cause, the Chief of Police may waive the abandonment.

- e. Section 108-8 of the Municipal Code, Hack plate fees; administration, is hereby amended by amending subsection A thereof to read in its entirety as follows:

- A. The fee for a hack plate shall be five hundred dollars (\$500.) annually, and fifty dollars (\$50.) of said fee shall be a nonrefundable processing fee.
- f. Section 108-8 of the Municipal Code, Hack plate fees; administration, is hereby amended by deleting subsection D thereof.
- g. Section 108-8 of the Municipal Code, Hack plate fees; administration, is hereby amended by adding thereto the following new subsection D:
- D. Hack plate holders shall immediately give written notice to the City Clerk, upon a form provided by the City Clerk, of any change in the New York State motor vehicle registration or inspection status or data, insurance or vehicle description information relating to the motor vehicle upon which the hack plate is attached.
- h. Section 108-9 of the Municipal Code, Transfer, lease or assignment of hack plates prohibited, is hereby amended in its entirety to read as follows:
- Section 108-9. Transfer, lease or assignment of hack plates prohibited.
- A. No person shall assign, lease or transfer or otherwise dispose of any rights in a hack plate.
- B. Upon the disability, death or retirement of a hack plate holder, the Chief of Police may reissue said hack plate to an immediate family member engaged in the use of said hack plate with the hack plate holder. Application for the issuance of the hack plate under such circumstances shall be made by the family member within thirty (30) days after the disability, death or retirement of the hack plate holder. The family member seeking the issuance of a hack plate must meet all requirements of a hack plate holder.
- C. A hack plate holder other than a natural person shall notify the City Clerk in writing within five (5) business days of any changes in officers, principal stockholders or partners, or any other changes in the form of a business. The Chief of Police shall review all changes to ensure that all persons and entities involved meet the requirements of a hack plate holder. No consideration shall be given, nor shall any hack plate holder receive any consideration, for any hack plate rights.
- i. Section 108-10 of the Municipal Code, Taximeters, is hereby amended by adding thereto the following new subsection F:
- F. No person shall operate a motor vehicle that is equipped with a taximeter within the city unless said vehicle has a valid hack plate attached thereto. This subsection shall not apply to a motor vehicle with a valid Monroe County hack plate which is being operated in accordance with subsection 108-2A.
- j. Section 108-14 of the Municipal Code, Manifests, is hereby amended by adding the word “, time” after the word “name” where it is contained in

subsection A(3) thereof.

- k. Section 108-14 of the Municipal Code, Manifests, is hereby amended by deleting the words “sixty-day” where they are contained in subsection B thereof and by inserting in their place the words and numbers “one-hundred-twenty (120) day”.
- l. Section 108-16 of the Municipal Code, Taxicab regulations, is hereby amended by amending Subsection A(10) thereof to read in its entirety as follows:
- (10) All taxicabs shall be designed and constructed so as to seat [~~six (6)~~] nine (9) persons or fewer, not including the driver, and shall have no more than five (5) nor less than four (4) doors.
- m. Section 108-16 of the Municipal Code, Taxicab regulations, is hereby amended by adding the following new sentences to the end of subsection B thereof:
- A new driver who is being trained shall have in his or her possession a valid taxicab driver's license or a temporary permit and a valid New York State chauffeur's license, and shall produce the same upon the request of any police officer. A taxicab driver who is training a new driver shall ensure that the new driver has a valid taxicab driver's license or temporary permit and a valid New York State chauffeur's license.
- n. Section 108-18 of the Municipal Code, Application, is hereby amended by amending subsections A and B thereof to read in their entirety as follows:
- A. The application shall be made to the City Clerk and shall contain the applicant's name and home address, home telephone number, social security number, date of birth, New York State chauffeur's license number, employer's name and address (if not self-employed) and such other information as may be required by the Chief of Police. All new applications, and all renewals for the license year beginning July 1, 2004, as well as renewals thereafter if employment eligibility is temporary, shall be accompanied by employment eligibility verification for the applicant in the form of proof of citizenship or lawful permanent resident alien or alien authorized to work status. All new and renewal applications shall also be accompanied by a license abstract form for the applicant which the applicant has obtained from the New York State Department of Motor Vehicles within ten (10) days of the date of the application.
- B. The annual license fee shall be twenty dollars (\$20), and said fee shall be nonrefundable and paid at the time the application is made.
- o. Section 108-18 of the Municipal Code, Application, is hereby amended by amending subsection D thereof to read in its entirety as follows:
- D. Each applicant for a taxicab driver's license, including renewal applicants, must furnish not fewer than four unmounted, unretouched color photographs of himself/herself taken within thirty (30) days preceding the filing of the application. Each photograph shall be

two by two and one-half (2 x 2-1/2) inches in size and clearly display the applicant from mid-chest and above.

- p. Section 108-21 of the Municipal Code, Taxicab driver regulations, is hereby amended by amending subsections L and M thereof to read in their entirety as follows:

L. No taxicab driver shall solicit for any hotel or motel or attempt to divert patronage from one hotel or motel to another; engage in selling alcoholic beverages; solicit business for or direct persons to any person or location known to be involved in any illegal activity, including but not limited to prostitution, gambling or the sale or use of controlled substances; or use a taxicab for any purpose other than the purposes allowed in this chapter.

M. Each taxicab driver shall display his or her own taxicab driver's license on the license/rate card and the taxicab driver's license and rate card shall not be torn, mutilated or obstructed from view by passengers in the taxicab. No other taxicab driver's license shall be displayed in the taxicab.

- q. Section 108-21 of the Municipal Code, Taxicab driver regulations, is hereby amended by adding thereto the following new subsections:

U. The current hack plate certificate shall be carried in the taxicab at all times and shall be produced by the taxicab driver upon request by any police officer.

V. Taxicab drivers, while on duty, shall immediately notify the Rochester Police Department of any suspected unlawful activities by passengers.

W. No taxicab driver shall notify a passenger of his or her arrival or beckon a fare at any time by blowing the taxicab's horn.

X. No taxicab driver shall use any type of profane, abusive, or threatening remarks or gestures toward passengers, pedestrians or other drivers under any circumstances; nor express or otherwise manifest any prejudice concerning age, race, creed, color, national origin, gender, sexual orientation, disability, marital status or other personal characteristics.

Y. The holder of a taxicab driver's license shall immediately notify the City Clerk in writing of any change in the status of the holder's New York State chauffeur's license.

- r. Section 108-24 of the Municipal Code, Taxicab livery regulations, is hereby amended by adding thereto the following new subsection:

H. The holder of a livery license shall at all times identify all radio-dispatched taxicabs by hack plate number only.

- s. Article V of Chapter 108 of the Municipal Code, Limousines, constituting Sections 108-26 through 108-34, is hereby [repealed] amended in its entirety to read as follows. There is hereby further added to the Municipal Code the following new Article [V] VI, General Regulations, and the current Articles VI and VII are redesignated as Articles VII and

VIII, respectively:

Article V. Hotel/Motel Courtesy Vehicles.

Section 108-26. Hotel/motel courtesy vehicle restrictions.

A. A hotel/motel courtesy vehicle shall only transport passengers between a hotel or motel and an airport, bus terminal, railroad station, ferry terminal or other common-carrier station and shall not make intermittent stops to discharge or take on passengers at places other than those designated in this section.

B. No hotel/motel courtesy vehicle driver shall charge a passenger a fare for any hotel/motel courtesy vehicle service.

Article [V] VI. General Regulations.

§108-[26] 27. Term defined.

As used in this Article, a "license" shall mean a hack plate, a taxicab driver's license or a livery license.

§108-[27] 28. Cooperation with Police Department.

An applicant or license holder shall cooperate with the Rochester Police Department in the administration and enforcement of this Chapter.

§108-[28] 29. Address or telephone number change required.

An applicant or license holder shall give written notice to the City Clerk within five (5) business days of any change of home or business address or telephone number.

§108-[29] 30. Notices.

Notices shall be sent to an applicant or license holder at his or her address on file with the City Clerk. An applicant or license holder shall be deemed to have received posted material (including certified mail) addressed to the applicant or license holder at the address on file, even if they have moved and have failed to notify the City Clerk of a new address.

§108-[30] 31. Approved applications.

License applications which have been approved by the Chief of Police shall be picked up by the applicant within sixty (60) days of written notice of their approval. Failure to pick up a license upon such notice shall result in the cancellation of the Chief's approval of the application.

- t. Section 108-35 of the Municipal Code, Term defined, is hereby amended by deleting the words "a limousine license plate" where they are contained therein.

- u. Section 108-37 of the Municipal Code, Suspension or revocation of licenses, is hereby amended by deleting the words and numbers "two hundred fifty dollars (\$250.)" where they are contained in subsection D thereof and by inserting in their place the words and numbers "five-hundred dollars (\$500.)".

Section 2. The City Clerk shall coordinate a review of the Taxicab Code after these changes have been implemented for twelve months, and prepare a report to the City Council on their impact.

Section 3. This ordinance shall take effect on July 1, 2004.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory No. 3 was introduced January 27, 2004, and appears in its original form with its transmittal letter on page 13 of the current Council Proceedings.

Ordinance No. 2004-75
(Int. No. 3)

Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

Passed Unanimously.

Introductory No. 74 was introduced February 24, 2004, and appears in its original form with its transmittal letter on page 51 of the current Council Proceedings.

Ordinance No. 2004-76
(Int. No. 74, As Amended)

Approval Of The Lease To Rochester Riverfront Properties, L.P. Of Sub-Area I In The Brooks Landing Urban Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the lease of approximately 3.5 acres of land constituting Sub-Area I in the Brooks Landing Urban Renewal Project to Rochester Riverfront Properties, L.P. for the sum of \$1.00 for hotel and restaurant development. The lease shall take place prior to the sale authorized in Ordinance No. 2003-349, and shall allow for the implementation of the New York State Department of Environmental Conservation (DEC) approved Corrective Action Plan for said parcel prior to the sale. The lease shall extend [until December 31, 2005, or until DEC's approval in writing of the completion of the Corrective Action Plan, whichever is sooner] for 49 years, or until the sale of the land, whichever is sooner. The sale of the land shall occur upon New York State Department of Environmental Conservation's written approval of the completion of the Corrective Action Plan for said parcel or if the lessee elects to acquire the land prior to such written approval.

Section 2. The Mayor is hereby authorized to enter into the lease agreement to effectuate this project. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect upon approval by the Federal Government of discontinuance of the use as parklands of the portion of the parcel which is currently dedicated to park purposes as a part of Genesee Valley Park.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

Introductory No. 80 was introduced February 24, 2004, and appears in its original form with its transmittal letter on page 52 of the current Council Proceeding.

Ordinance No. 2004-77
(Int. No. 80)

Authorizing Agreements For The Asset Control Area (ACA) Program

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-78
Re: Genesee Commons Redevelopment

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing a Memorandum of Understanding between the City and Conifer Realty, LLC. This is in relation to a proposed housing redevelopment project to be undertaken by Conifer at Genesee Commons, located at 185-405 Mount Hope Avenue.

Currently Genesee Commons is composed of 202 residential units in a single high-rise building and 202 units in multiple low-rise buildings. Under the Memorandum of Understanding, Conifer intends to purchase the property; renovate the high-rise building; demolish the low-rise structures; conduct environmental remediation and build 100 mixed-income units. The renovated high-rise building would provide approximately 204 low-income housing units. It is anticipated that the mixed-income units would be comprised of approximately 80 market rate units and 20 affordable units.

The Memorandum of Understanding proposes:

1. Assuming that the redevelopment project meets eligibility standards, the Mayor will submit and the Council will consider legislation providing for a tax exemption and an in lieu of tax agreement for the parcels involved in the project;
2. Assist and cooperate with Conifer in seeking and securing funding for the redevelopment from New York State Department of Environmental Conservation Brownfields Program;
3. Assuming that the redevelopment project meets eligibility standards, the Mayor will submit and the Council will consider legislation providing for low-interest loans for both phases of the redevelopment; and
4. Assist and cooperate with Conifer in seeking and securing any additional necessary assistance from other governmental agencies.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2004-78
(Int. No. 105)

Authorizing A Memorandum Of Understanding For The Genesee Commons Redevelopment Project

WHEREAS, Conifer Realty, LLC, has approached the City with plans for the purchase and redevelopment of the housing project at Genesee Commons, 185-405 Mt. Hope Avenue; and

WHEREAS, Conifer Realty, LLC, has requested assistance from the City in order to undertake this project; and

WHEREAS, the City wishes to indicate its support for this important housing redevelopment project and to set forth the actions it will undertake in support;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a Memorandum of Understanding with Conifer Realty, LLC, for a housing redevelopment project at Genesee Commons, 185-405 Mt. Hope Avenue. The Memorandum shall provide that the City will undertake the following in support of the Project:

1. Assuming that the redevelopment project meets eligibility standards, the Mayor will submit and the Council will consider legislation providing for a tax exemption and an in lieu of tax agreement for the parcels involved in the project.
2. Assist and cooperate with Conifer Realty, LLC, in seeking and securing funding for the redevelopment from the New York State Department of Environmental Conservation Brownfields Program.
3. Assuming that the redevelopment project meets eligibility standards, the Mayor will submit and the Council will consider legislation providing for low-interest loans for both phases of the redevelopment.
4. Assist and cooperate with Conifer Realty, LLC, in seeking and securing any additional necessary assistance from other governmental agencies.

Section 2. The Memorandum shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Mains
March 23, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 87 - Authorizing Agreements For The Clarissa Street Reunion And Amending The 2003-04 Budget

Int. No. 88 - Authorizing An Agreement And Amending The 2003-04 Budget Of The Department Of Parks, Recreation And Human Services

The Public Services, Health & the Arts Committee recommends for consideration the following entitled legislation:

Int. No. 89 - Authorizing An Agreement For The Community Technology Center

Int. No. 90 - Authorizing Amendatory 2002-03 And 2003-04 Community Development Program Plans, Appropriating Funds For The School #34 Tutoring Program And Amending Ordinance No. 2003-10

Int. No. 91 - Amending The 2003-04 Community Development Program By Transferring Funds To The Job Creation/Youth Development Account

Respectfully submitted,
William F. Pritchard
Benjamin L. Douglas
Lois J. Giess
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-79
Re: Clarissa Street Reunion

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the production of the Clarissa Street Reunion. This legislation proposes:

1. Authorizing agreements with the NYS Office of Parks and Historic Preservation, for the receipt of a grant up to \$10,000, and the Clarissa Street Reunion committee for use of these funds; and
2. Amending the 2003-2004 operating budget of the Office of the Commissioner, Special Events Office to reflect the receipt of the grant.

The Clarissa Street Reunion has taken place annually for the past nine years. This nostalgic reunion combines families, friends, food, and festivities in a one-day extravaganza that attracts thousands of people to the old neighborhood. Parades, food, and music on three stages, spread along the festival's six blocks, lure former residents back "home".

The \$10,000 grant was included in the 2003-2004 NYS Budget through the efforts of Assemblyman Gantt.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-79
(Int. No. 87)

Authorizing Agreements For The Clarissa Street Reunion And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation or Natural Heritage Trust for funding for the Clarissa Street Reunion.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Clarissa Street Reunion Committee for the Clarissa Street Reunion.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 4. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$10,000, which amount is hereby appropriated from funds to be received from the State of New York for the Clarissa Street Reunion.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-80
Re: Quad A For Kids Grant

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 4 - Quality Service

Transmitted herewith for your approval is legislation relating to program enhancements with the Department of Parks, Recreation and Human Services. This legislation proposes:

1. Authorizing an agreement with Quad A For Kids for the receipt of \$13,130 in grants.
2. Amending the 2003-04 operating budget of the Department of Parks, Recreation and Human Services by \$13,100 to reflect this grant.

Quad A For Kids sponsors grant opportunities for organizations who provide services to inner city youth. Funds will be used to support the following programs:

Learn To Swim (\$10,000) - pool rental fees, custodial support, water safety instructors, lifeguards and tutoring at various recreation sites and schools, collaborative program with American Red Cross and Rochester City School District.

Teen Coed Volleyball (\$1,530) - transportation, officials and sports banquet.

Introduction to Paddling Sports (\$1,600) - certified instructors and equipment rental, collaborative program with Genesee Waterways Center.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-80
(Int. No. 88)

Authorizing An Agreement And Amending The 2003-04 Budget Of The Department Of Parks, Recreation And Human Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Quad A For Kids for funding for recreational activities for inner-city youth.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$13,100, which amount is hereby appropriated from funding from the agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-81,
2004-82, And 2004-83
Re: Human Services Projects

R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation:

1. Authorizing agreements for the following human services projects:

<u>Organization</u> Project	<u>Amount</u>
Group 14621 Community Association 14621 Community Tech. Ctr.	\$40,000
Neighborhood Empowerment Team School #34 Tutoring Program	5,000

2. Amending the Community Development Block Grant Plan for 2002-03 and 2003-04 to reflect the change in a NET project from Toy Library to the #34 School Tutoring Program.

Group 14621 has re-evaluated the goals and accomplishments of their Community Technology Center and have requested a reduced amount of funding from \$60,000 to \$40,000. This decrease is justified by modified performance measures and a decreased number of beneficiaries. The remaining \$20,000 will be re-allocated to the Job Creation/Youth Development line for 2003-04.

The Bureau of NET will administer the School #34 Tutoring Program to provide tutoring services to

improve students scores in Math, Science, English, as well as provide positive role models. Ninety-nine elementary school students in grades K-6, who have been identified by their teachers, will receive these services. Tutoring will occur in a classroom setting under the guidance of the teacher and be provided by students from John Marshall High School who are participating in various programs at school and community service projects.

Both projects are in their third year of CDBG funding. They are considered to be projects with matching funds and are therefore eligible for up to five years of funding under the human services funding guidelines approved by City Council in June 1981. The most recent agreements for these services were authorized on February 11, 2003 and January 14, 2003. The cost of the agreements will be financed from the General Community Needs allocation of the 2003-04 Community Development Block Grant.

The amendment to the NET project description will enable previously appropriated funds (\$5,000) to be used for the School #34 Tutoring Project.

A public hearing has been requested for the above items.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-31

Ordinance No. 2004-81
(Int. No. 89)

Authorizing An Agreement For The Community Technology Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Group 14621 Community Association for the 14621 Community Technology Center.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-82
(Int. No. 90)

Authorizing Amendatory 2002-03 And 2003-04 Community Development Program Plans, Appropriating Funds For The School #34 Tutoring Program And Amending Ordinance No. 2003-10

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 2003-04 Community Development

Program Plan is hereby amended within the General Community Needs Allocation by transferring the sum of \$5,000 from the Maplewood Edgerton Toy Library Account to a new account for the School #34 Tutoring Program. Said amount, or so much thereof as may be necessary, is hereby appropriated to fund the School #34 Tutoring Program.

Section 2. The 2002-03 Community Development Program Plan is hereby amended within the General Community Needs Allocation by transferring the sum of \$5,000 from the Maplewood Edgerton Toy Library Account to a new account for the School #34 Tutoring Program. Said amount, or so much thereof as may be necessary, is hereby appropriated to fund the School #34 Tutoring Program.

Section 3. Ordinance No. 2003-10, relating to Human Services Projects, is hereby amended by deleting the amount of \$5,000 authorized and appropriated therein for the Maplewood Edgerton Toy Library.

Section 4. The Mayor is hereby authorized to enter into necessary agreements to implement these Programs. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-83
(Int. No. 91)

Amending The 2003-04 Community Development Program By Transferring Funds To The Job Creation/Youth Development Account

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 2003-04 Community Development Program Plan is hereby amended within the General Community Needs Allocation by transferring the sum of \$20,000 from the Group 14621 Community Technology Center Account to the Job Creation/Youth Development Account.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
March 23, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 92 - Authorizing Agreements And Appropriating Funds For The Genesee Riverway Trail Signage Project

Int. No. 93 - Authorizing An Agreement For Collision Repair Services

Int. No. 94 - Authorizing Agreements For The Adopt-A-Block Program And Amending Ordinances

Int. No. 95 - Authorizing Agreements And Appropriating Funds For The South Avenue Enhancement

Project

Int. No. 96 - Resolution In Support Of An Application For Funding For Tree Plantings Along Byron Street And South Avenue

Int. No. 97 - Authorizing An Agreement For Operation Of The South Avenue Parking Garage, As Amended

Int. No. 101 - Establishing Maximum Compensation For A Professional Services Agreement For The Atlantic Avenue Improvement Project

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Adam C. McFadden
Lois J. Giess
Gladys Santiago (Voted on Introductory No. 97 & Introductory No. 101.)
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-84
Re: Genesee Riverway Trail Signage - Phase III

R2010: Campaign 4 - Environmental Stewardship
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation related to the funding, design and installation of Genesee Riverway Trail Signage. The legislation will:

1. Appropriate anticipated reimbursements of \$50,000 from the New York State Department of State (NYS DOS), Division of Coastal Resources, Heritage Area Program grant. This matching grant will be supplemented with \$50,000 of City funding to undertake a \$100,000 signage program.
2. Authorize an agreement with Synegraphics, 9886 East Holland Road, Holland, New York 14080, to provide design services to complete the build-out of the way-finding trail signage system for the existing Genesee Riverway Trail in the south river corridor. The maximum cost of the agreement will be \$22,000, which will be financed from a NYS Department of State - Division of Coastal Resources grant (\$11,000) and the 2000-2001 cash capital budget of the Department of Environmental Services (\$11,000).

City Council authorized application for the grant and subsequent agreements on August 21, 2001. In 2003, the City was awarded a 50/50 matching grant in the amount of \$50,000. The grant will be used to finance design and a portion of the fabrication and installation of the signage.

Design is scheduled to begin in spring 2004 and be completed in summer 2004. Construction is anticipated in the fall of 2004 and the spring of 2005. The anticipated construction budget is \$78,000, which will be partially financed from the appropriation requested herein, and from 2000-2001 Cash Capital.

Phases I and II of the planned signage system have

been completed. Phase I included the development of the Genesee Riverway Trail - Signage Standards Manual and the design of a comprehensive system of standard signs. Phase II of the project included fabrication and site-specific installation of a set of standard signs within a demonstration area in the south river corridor. Since the completion of Phase II the system has been implemented incrementally, as related projects and funding have permitted. The current project, Phase III, will complete the build-out of the sign system within the south river corridor so that the trail functions as a continuous, coherent and inviting recreation way. The Phase III sign program is proposed to include the installation of kiosks, trail directionals, hazard/warning signs and trail markers developed in Phase I. The actual numbers of signs to be installed and their locations shall be determined as part of the Phase III design services.

Proposals were solicited from five firms and Synegraphics submitted the only proposal. Synegraphics is recommended to provide the design services because of their specialized expertise in the design of way-finding signage and their experience as the designers of the Phase I and II improvements.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-32

Ordinance No. 2004-84
(Int. No. 92)

Authorizing Agreements And Appropriating Funds For The Genesee Riverway Trail Signage Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$22,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Synegraphics for design services for the trail signage for the Genesee Riverway Trail in the South River Corridor. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$11,000 shall be funded from the 2000-01 Cash Capital Allocation and \$11,000 shall be funded from the appropriation made in Section 3.

Section 2. The Mayor is hereby authorized to enter into an agreement with the New York State Department of State, Division of Coastal Resources, for Heritage Area Program funding for trail signage for the Genesee Riverway Trail in the South River Corridor.

Section 3. There is hereby appropriated from anticipated reimbursements from the New York State Department of State the sum of \$50,000, or so much thereof as may be necessary, to fund the design, fabrication and installation of trail signage for the Genesee Riverway Trail in the South River Corridor.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-85
Re: Agreement - Collision Repair Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Leon and R's Collision Shop, Inc., 481 Portland Avenue, Rochester, NY 14605, for the provision of collision repair services for City vehicles.

A list of qualified vendors for vehicle repair is periodically established by the City. When a repair is required, these vendors are requested to provide a price quote for the work. The City chooses a vendor based upon the cost and time estimates to complete the repair.

On March 19, 2002, City Council established \$90,000 maximum compensation for agreements with five vendors to perform vehicle collision repair services. The agreements were for a term of one year, with an option for two one-year renewals. One vendor, Rural/Metro Medical Services, has since chosen not to renew their agreement. The City would like to replace this vendor with Leon and R's Collision Shop, Inc.

Leon and R's Collision Shop, Inc. is both a minority business enterprise (MBE) and is located in the City of Rochester. The business is currently a client of the City's Economic Development Department. The company has requested to be added to the list of collision vendors. Their agreement term, which will be coterminous with the last year of the other collision vendors' agreements, will be for one year beginning April 1, 2004 through March 31, 2005. The City will engage in a new Request for Proposal process for collision repair services in early 2005.

Funding for these repair services will be from the 2003-04 and 2004-05 budgets of the Department of Environmental Services.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-85
(Int. No. 93)

Authorizing An Agreement For Collision Repair Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Leon and R's Collision Shop, Inc. for collision repair services pursuant to Ordinance No. 2002-48 and in place of Rural/Metro Medical Services, for the final renewal year of said authorization.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-86
Re: Adopt-A-Block Agreements

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation authorizing agreements with thirteen organizations for participation in the 2004-05 Adopt-A-Block Program. The total maximum cost of these agreements will be \$264,926; financing for this cost is proposed by:

1. Re-appropriating unused Community Development Block Grant funds for several previous years (1999-2003); and
2. Appropriating CDBG funds from 2000-01, 2001-02, 2002-03 and 2003-04.

The Adopt-A-Block Program was initiated in 1988 to improve the cleanliness of highly visible areas of the city by increasing litter removal services. Under the program, neighborhood or community organizations contract with the City to supplement its regular cleaning services.

Proposals for participation in the 2004-05 program were solicited from 43 organizations. Thirteen organizations submitted proposals for the maintenance of 32 areas totaling 34.86 miles. Thirty-one of these proposals are recommended for approval.

Each organization will provide a minimum of two workers to perform special hand sweeping and litter removal services for at least seven hours each day, two days per week between May and October, and for up to 160 hours on "fair-weather" days between November and April. Sidewalks, tree lawn areas, and curb lanes will be cleaned.

The organizations will provide all necessary equipment. The City will provide additional refuse collection services as required.

The fee to be paid for all 31 areas consist of the following:

Administrative services	\$1,500
Sweeping and litter removal services (May through October)	5,926
Sweeping and litter removal services - \$7.00 per worker hours up to 160 hours (November through May)	1,120
	<u>\$8,546</u>

The following organizations are participating in the program:

Coalition of Northeast Associations	\$ 42,730
Southwest Area Neighborhood Association	42,730
ISLA	34,184
North East Block Club Alliance	34,184
Lyell Area Revitalization Committee	34,184
South East Area Coalition	17,092
Calvary Saint Andrews Parish	17,092
Catholic Family Center Francis Ctr.	8,546
Community Place of Greater Rochester	8,546
Portland Avenue Business Assn.	8,546
Harbor Merchants Association	8,546
Maplewood Neighborhood Assn.	<u>8,546</u>

Total \$264,926

Following is a summary of participation during the past 10 years:

Year	Number of Organizations	Contracts
1995	12	22
1996	14	23
1997	14	26
1998	16	26
1999	16	26
2000	17	27
2001	14	24
2002	15	26
2003	14	32
2004 (proposed)	13	31

Respectively submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-33

Ordinance No. 2004-86
(Int. No. 94)

Authorizing Agreements For The Adopt-A-Block Program And Amending Ordinances

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations under the Adopt-A-Block Program:

Organization	Amount
Coalition of Northeast Associations (CONEA)	\$42,730
Southwest Area Neighborhood Association (SWAN)	42,730
ISLA	34,184
North East Block Club Alliance (NEBCA)	34,184
Lyell Area Revitalization Committee (LARC)	34,184
South East Area Coalition (SEAC)	17,092
Calvary Saint Andrews Parish	17,092

Section 2. The agreements authorized herein and additional Adopt-A-Block agreements shall obligate the City to pay an amount not to exceed \$264,926, and of said amount, or so much thereof as may be necessary, \$131,888 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program, \$1,057 is hereby reappropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 1996-97 Community Development Program, \$6,247 is hereby reappropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 1999-2000 Community Development Program, \$21,882 is hereby appropriated or reappropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2000-01 Community Development Program, \$50,399 is hereby appropriated or reappropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program, \$53,453 is hereby appropriated or reappropriated from the Improving the Housing Stock and General Property Conditions Allocation of the

2002-03 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. The following ordinances, authorizing agreements for the Adopt-A-Block Program, are hereby amended by reducing the amounts authorized and appropriated therein by the following amounts, which amounts are reappropriated herein:

Ordinance No.	Amount
2000-101	\$ 2,063
2001-84	6,647
2002-47	25,490
2003-96	38,504
2003-144	12,267
1996-97	1,057
1999-2000	4,184
2000-01	7,026

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-87 And
Resolution No. 2004-10
Re: South Avenue Enhancement Project
(Byron Street - Caroline Street)

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the funding and installation of streetscape enhancements along South Avenue between Byron and Caroline Streets. The legislation will:

1. Authorize acceptance of \$300,000 in Capital Project Multi-Modal Program funding from the New York State Department of Transportation;
2. Appropriate \$300,000 from anticipated reimbursements from the State (above) to finance the cost of the project;
3. Authorize an agreement with Bergman Associates, 200 First Federal Plaza, Rochester, NY 14614 in the amount of \$60,000, for engineering design and resident project representation services related to the project; and
4. Authorize a resolution of support for a South Wedge Planning Committee application to the 2003 New York Inner-City Urban and Community Forestry Program for tree plantings along Byron Street and South Avenue.

In March of 2002, the South Wedge Planning Committee (SWPC), with funding support from the Sector 6 Kodak Renaissance 2010 Grant, the New York State Council on the Arts and the Arts and Culture Council for Greater Rochester, completed a South Wedge Environmental Enhancement project report outlining street and open space improvements for the area. In the Fall of 2002, South Wedge was informed of potential funding and worked in collaboration with city staff to identify enhancements along South Avenue that would be eligible. The City subsequently retained Bergman Associates to refine cost estimates and to

work with SWPC to establish priorities for project implementation. That agreement, for \$10,000, was financed from Cash Capital.

Bergmann Associates was selected to perform the engineering services because of its familiarity with the project and availability to provide the services within the established time frame. The proposed agreement for \$60,000 will be financed from the appropriation requested herein.

Design of the project will begin this Spring and be completed by Summer 2004. It is anticipated that the project construction will begin this Fall and be completed in Spring 2005. The proposed features include curbing bump-outs, sidewalk improvements, and paved crosswalks at selected intersections on South Avenue between Byron and Caroline.

As a complement to the street enhancement project, SWPC is applying to the New York State Department of Environmental Conservation for a \$25,000 grant under the 2003 Inner-City Urban and Community Forestry Program. The grant application, which is for tree planting along Byron and South Avenue, requires a resolution of support from the local municipality. Attached is a letter from the City Forester in support of the grant application.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-34

Ordinance No. 2004-87
(Int. No. 95)

Authorizing Agreements And Appropriating Funds For The South Avenue Enhancement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for engineering design and resident project representation services for the South Avenue Enhancement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from the appropriation made in Section 3.

Section 2. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation for Capital Project Multi-Modal Program funding for the South Avenue Enhancement Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation the sum of \$300,000, or so much thereof as may be necessary, to fund the South Avenue Enhancement Project.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2004-10
(Int. No. 96)

Resolution In Support Of An Application For Funding For Tree Plantings Along Byron Street And South Avenue

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby supports the application by the South Wedge Planning Committee to the New York State Department of Environmental Conservation for funding under the 2003 New York Inner-City Urban and Community Forestry Program for tree plantings along Byron Street and South Avenue.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-88
Re: South Avenue Garage Operating Agreement

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Allright New York Parking, Inc. for operation of the South Avenue Garage.

The South Avenue Garage provides parking for 1,850 vehicles. It is connected to the City's Skyway System and is the primary parking facility for the Rochester Riverside Convention Center, the Hyatt Regency Hotel, and other downtown workers.

Currently, the South Avenue Garage is operated by Donatelli, Inc., d/b/a Ralph Parking Company, under terms of an agreement authorized by City Council on March 20, 2001. The agreement expires on March 31, 2004. The City issued a Request for Proposals in December 2003 for the operation of the garage.

Responses to the Request for Proposals were received from the following operators:

Donatelli, Inc., d/b/a Ralph Parking Company
Rochester Riverside Convention Center
ProPark, LLC
Allright New York Parking, Inc.

The response received from Donatelli, Inc., did not meet the requirements specified in the Request for Proposals and was therefore not reviewed. The City's Municipal Parking staff reviewed and rated the other three proposals. The review and the rating considered nine criteria with a numerical value assigned to each of them. The annual revenue return to the City was given the highest consideration in the proposal review. Allright New York Parking, Inc. received the highest rating and is recommended to operate the garage. Copies of the staff rating sheets are attached (attachment A).

The following revenue return on gross revenues after payment of New York State sales taxes were proposed by the operators:

Allright New York Parking, Inc.	
35.50%	
Rochester Riverside Convention Ctr.	22.00
ProPark, LLC	10.03

If revenues after payment of sales taxes in any year exceed \$1,450,000, all of the of the operators would pay the City 75% additional revenue for the amount after sales taxes above \$1,450,000.

Over the past ten years, the City has received complaints about the operation of the South Avenue Garage. The major complaints have centered on a lack of cleanliness, failure to repair malfunctioning equipment, inadequate safety/security concerns, and lack of timely traffic exiting after special events. In order to address these issues, the new agreement with Allright Parking will include provisions to ensure that the new operator maintains very high standards for operation of this garage. These provisions include the following:

1. A \$225,000 performance bond is required in the event that the operator defaults and the City has to operate the garage.
2. The operator is required to conduct and/or provide customer service training of all garage personnel every three months.
3. The operator is required to submit to the City for its approval action plans for all special events, security operations and quality assurance maintenance.
4. As an additional means of enforcing performance standards (see attachment B), a Performance Monitoring and Review Committee will be formed to assist the City's Municipal Parking Division with a program to ensure a higher standard of performance. Failure to comply with the standards could result in penalty charges to the operator of \$1,000 per violation. The committee will be made up of representatives from major user groups, such as the Rochester Riverside Convention Center, the Hyatt Regency Hotel, the Chase Building, and the Clinton Square Building.
5. A \$150,000 letter of credit is required for the payment of the following:
 - a. Default in the monthly payment to the City;
 - b. Maintenance and repair costs incurred by the City to remedy deficiencies caused by the operator not performing required maintenance and repairs in the garage;
 - c. Failure to comply with required standards that result in penalty charges of \$1,000 per violation.

The current contract provides for a fixed payment to the City of \$68,700 monthly. This would amount to a percentage of gross revenue after taxes of approximately 56.9% assuming projected revenue after taxes of \$1,450,000. The reduced percentage payment to the City proposed in the new agreement can be attributed to the lower revenue projections for the garage as well as increasing expenses as cited by the current operator.

In FY 2000 the car count and gross revenue after taxes for this garage were 560,509 and \$1,581,919 respectively. In FY 2003 these numbers were 483,481 and

\$1,495,980. Based on data from the first six months of FY 2004, these numbers are expected to be 484,414 and \$1,487,536. We believe the declines in car counts and revenues since FY 2000 can be attributed to a number of factors including the loss of block sales at the garage (e.g., IBM reorganization led to 200 vacant spaces), reduced activity at the Convention Center, and the overall decline in office space occupancy as cited in the most recent RDDC Survey of Downtown Office Space.

The agreement will have an initial term of one (1) year beginning April 1, 2004, with provision for renewal, upon mutual consent and satisfactory performance by Allright Parking, for three (3) one-year extensions. Allright Parking will be responsible for all garage-related operating expenses. Satisfactory performance will be determined by the City based on recommendations from the Performance Monitoring and Review Committee.

A major garage rehabilitation project is planned for the South Avenue Garage. Design for this project is expected to begin this year with construction following in 2005. The project will be designed to minimize the loss of parking to garage patrons during construction.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-35

Ordinance No. 2004-88
(Int. No. 97, As Amended)

Authorizing An Agreement For Operation Of The South Avenue Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Allright New York Parking, Inc., for operation of the South Avenue Parking Garage. Allright shall be responsible for all operating expenses of the garage. The agreement shall be for a term of one year, with an option to renew for [three] one additional one-year term[s]. Specific performance standards shall be included in the agreement. Renewal shall be contingent upon Allright meeting the standards, as determined by a Performance Monitoring and Review Committee which shall include representatives from the Garage's major user groups.

Section 2. The agreement shall obligate Allright to pay to the City 35.5% of the gross revenues after payment of New York State sales taxes, and if such gross revenues after sales taxes exceed \$1,450,000 in any year, Allright shall pay to the City 75% of such additional revenue.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2004-89
Re: Atlantic Avenue Improvement
Project (N. Winton Rd. - Railroad
Bridge) - Professional Services
Agreement

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an agreement with FRA Engineering, P.C., 530 Summit Point Drive, Henrietta, NY 14467, for engineering planning and design services for the Atlantic Avenue Improvement Project at a maximum amount of \$240,000.

This project will involve the rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting and water mains, as required; and tree plantings.

Request for proposals for the professional services were solicited for this project from three organizations. FRA Engineering, P.C. is recommended to provide the required services based upon the qualifications of the personnel to be assigned to the project, past and proposed performance qualifications, and the ability to provide the services within the time periods specified by the City.

The construction cost of the project is estimated at \$4,700,000. The distribution of this cost is shown below:

Source of Funds	Estimated Cost
City	\$3,000,000
Water	1,300,000
Sewer	250,000
Traffic	150,000
Total	\$4,700,000

The financing plan for the cost of the construction of this project is contained within the 2003-04 Capital Improvement Program. The professional services agreement for this project will be funded from 2002-03 (\$85,000) and 2001-02 (\$155,000) Cash Capital allocations of DES.

Design of the project is scheduled to be completed in spring 2005. Construction is expected to begin in summer 2005, and be substantially completed in summer 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-36

Ordinance No. 2004-89
(Int. No. 101)

Establishing Maximum Compensation For A Professional Services Agreement For The Atlantic Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$240,000, or so much thereof

as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C., for engineering planning and design services for the Atlantic Avenue Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$85,000 shall be funded from the 2002-03 Cash Capital Allocation and \$155,000 shall be funded from the 2001-02 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
March 23, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 98 - Authorizing Receipt Of Funds For In-School Youth Violence Prevention

Int. No. 99 - Approving Applications, Agreements And The 2004 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

Int. No. 100 - Authorizing An Application And Agreement For The Motor Vehicle Theft & Insurance Fraud Prevention Program And Amending The 2003-04 Budget

Int. No. 102 - Amending The 2003-04 Budget By Appropriating Forfeiture Funds

Int. No. 104 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$230,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of Certain Police Vehicles For The Rochester Police Department

The following entitled legislation failed in committee:

Int. No. 103 - Establishing A Police Foot And Bike Patrol Detail For Drug Trafficking And Homicide Prevention And Amending The 2003-04 Budget

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-90
Re: In-School Youth Violence Prevention
Program - NYS Division of Criminal
Justice Services, Rochester City
School District

R2010: Campaign 2 - Educational Excellence
Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation

authorizing receipt of the second year of funds from the NYS Division of Criminal Justice Services on behalf of the Rochester City School District. The 4-year grant, awarded to the District in 2001 from DCJS Edward Byrne Narcotics Control Fund, was for support of the SHAPE program. The SHAPE Program has been discontinued and the District submitted a new application to use the reserved funds for alternate purposes; the new authorization requires that the funds flow through a municipality. The District is requesting assistance from the City in order to draw down the full grant proceeds before authorization expires in July, 2005.

The District plans to use the funds to test the impact of having immediate access to records (through technology) to determine the status of students who are disrupting the school environment. This is part of program strategies to reduce suspensions and improve the school climate and perceptions of safety. Funds received in year one were used to purchase program equipment. Year two funds, \$57,006, will be used to provide staff training and support program implementation. Twenty-five percent of this amount (\$15,006) reflects a required 25% match provided by the District. The most recent City Council action on this item was June 17, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-37

Ordinance No. 2004-90
(Int. No. 98)

Authorizing Receipt Of Funds For In-School Youth Violence Prevention

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding for an In-School Youth Violence Prevention Project by the Rochester City School District.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District for said funding, which is appropriated for this purpose.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Number 2004-91
Re: 2004 Rochester-Monroe County Youth Bureau

R2010: Campaign 2 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation relating to the Rochester-Monroe County Youth Bureau. This legislation proposes:

1. Approving the 2004 administrative and program budgets of the Youth Bureau;
2. Authorizing any necessary agreements to implement these budgets;
3. Appropriating \$242,093 from the 2003-04 Budget of which:
 - a. \$96,482 is the City's contribution to the Youth Bureau's Administrative Budget, 50% (\$48,241) of which will be reimbursed to the City directly from the New York State Office of Children and Family Services.
 - b. \$145,611 is the City's contribution for program contracts, 100% of which will be reimbursed to the City directly from the Office of Children and Family Services; and
4. Authorizing subsequent amendments to these agreements that are authorized and requested by the Office of Children and Family Services.

The Youth Bureau is a joint agency that was established by the City and County "...to encourage and administer a county-wide comprehensive planning and service delivery system that is devoted in whole or in part to the welfare and positive development of children and youth." It is supervised by a Citizen/Youth Board, administered by the County and supported financially by the City, the County and the NYS Office of Children and Family Services (formerly the Division for Youth).

Under the bylaws of the Board, which were approved by City Council on June 8, 1982, the annual budget of the Youth Bureau is subject to the approval of the City and County. Upon approval, the City is required to submit the related application for state aid to the Office of Children and Family Services through the Youth Bureau and, to the extent that matching funds are available, to reimburse the County for up to a maximum of 34% of its total administrative budget.

The budget proposed for the Youth Bureau for 2004 provides for administrative costs of \$457,027, which is a 18.5% decrease from the 2003 budget. Based upon the proposed budget, the 2004 contribution requested from the City is \$96,482 or 21%.

A reimbursement of 50% of this amount will subsequently be received from the Office of Children and Family Services. The City's net cost for administration will therefore be \$48,241. In 2003 the City's net cost was \$55,414.

The proposed 2004 budget proposed by the Youth Bureau provides for the operation or administration of the following programs by the City Department of Parks, Recreation & Human Services.

<u>Program</u>	<u>2003 Amount</u>	<u>2004 Amount</u>	<u>Change</u>
(Recreation Bureau) Youth Recreation	\$100,928	\$ 95,726	\$(5,202)
(SPCC) Family Violence Prevention	27,363	25,953	(1,410)
(Baden) Project Base	17,756	16,841	(915)
(Baden) Project Odyssey	7,447	7,091	(356)
Total	\$153,494	\$145,611	\$(7,883)

The following agreements are expected to be required to implement the program budget:

1. NYS Office of Children and Family Services, for partial financing of the programs and projects;
2. Rochester-Monroe County Youth Bureau, for the administration of the program;
3. Society for the Protection and Care of Children, for operation of the Family Violence Program;
4. Baden Street Settlement, for operation of Project Base; and
5. Baden Street Settlement, for operation of Project Odyssey.

The County Legislature approved the 2004 Youth Bureau budget in December 2003. The most recent Council action on this item was March 13, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-38

Ordinance No. 2004-91
(Int. No. 99)

Approving Applications, Agreements And The 2004 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the 2004 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2004 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2004 Comprehensive Youth Services Plan. The City's required contribution to the 2004 Youth Bureau Budget shall be financed equally from the 2003-04 and 2004-05 Budgets of the Department of Parks, Recreation and Human Services.

Section 2. The Mayor is further authorized to enter into an agreement with the Society for the Protection and Care of Children for the operation of the Family Violence Program. Said agreement shall obligate the City to prefinance an amount not to exceed \$25,953, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 3. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project Base. Said agreement shall obligate the City to pay an amount not to exceed \$16,841, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 4. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project Odyssey. Said agreement shall obligate the City to pay an amount not to exceed \$7,091, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04

Budget of the Department of Parks, Recreation and Human Services.

Section 5. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-92
Re: NYS DCJS Motor Vehicle Theft & Insurance Fraud Prevention Program

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted for your approval is legislation authorizing receipt of a grant from the New York State Division of Criminal Justice Services (DCJS) for \$3,741.89 and amending the 2003-04 Budget of the Police Department by \$3,700 to reflect the receipt and use of this grant.

The award from DCJS consists of unexpended funds from a previous round of grant funding under the Motor Vehicle Theft & Insurance Fraud Prevention Program (MVTIFP) that expired in April, 2003. DCJS has approved the use of these supplemental funds to send staff in the Police Department's Central Investigations Division to specialized training with the New York City Police Department's Stolen Vehicle Squad.

The agreement for the MVTIFP grant was originally authorized by City Council on February 12, 2002. MVTIFP funds are intended for the prevention of motor vehicle theft and fraud primarily through surveillance details in areas known to have these problems. The City has received preliminary notice that it will receive additional funding under the MVTIFP program for the continuation of this program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-92
(Int. No. 100)

Authorizing An Application And Agreement For The Motor Vehicle Theft & Insurance Fraud Prevention Program And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding for the Motor Vehicle Theft & Insurance Fraud Prevention Program.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$3,700, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-93
Re: Appropriation of Forfeiture Funds

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing the appropriation of \$91,700 from forfeited property revenues, and amending the 2003-04 Police Department budget by its inclusion. The undesignated balance available in the fund before this transaction was \$388,174.92.

Funds will be used to accelerate purchase of equipment needed to transition all remaining police officers and sergeants currently assigned to the Patrol Division of the Rochester Police Department to the authorized Beretta .45 caliber pistol. Funding will be used for 92 additional pistols plus additional ammunition, holsters, and magazine carriers.

According to guidelines established by the Attorney General, forfeiture funds may not be used to supplant existing budget appropriations. The expenditures recommended herein will augment existing allocations. Previous appropriations in the current fiscal year were \$100,000 to augment expenditures for confidential funds and overtime in the RPD Special Investigations Section and \$22,000 to implement a leadership development certificate program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-93
(Int. No. 102)

Amending The 2003-04 Budget By Appropriating Forfeiture Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$91,700, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the acquisition of firearms, ammunition and associated equipment for police officers.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-94

Re: Authorizing the Issuance of Bonds

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith is legislation authorizing the issuance of \$230,000 bonds to purchase motor vehicles for the Rochester Police Department. This expenditure is included in the 2001-02 Debt Authorization Plan and will partially fund acquisition of Police Department vehicles in the current fiscal year.

During 2003-04, the Police Department will spend \$1,473,000 for various vehicles. The balance of this expense, after use of the bonds, is \$1,243,000 which is available from Cash Capital allocations in 2002-03 and 2003-04.

The complete Police Department vehicle replacement plan for 2003-04 is summarized as follows:

Four motorcycles and air pumps and 20 unmarked sedans have already been ordered. Requisitions for 40 fully-equipped marked vehicles will be submitted this month. A total of ten command and surveillance vehicles will also be purchased by the end of this fiscal year.

The marked cars will likely be available for service this Fall. As a result of the new purchases, 78% of patrol cars will be models from 2000 or later.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-94
(Int. No. 104)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$230,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of Certain Police Vehicles For The Rochester Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of acquisition of approximately 74 police vehicles for use by the Rochester Police Department (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,473,000. The plan of financing includes the issuance of \$230,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$1,243,000 in current funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$230,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said

improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 77 (first) of the Law, is three (3) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in

Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentleman:

Introductory No. 103
Re: Police Detail in Genesee Section

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation related to the funding for police overtime to provide foot and bike patrol service on Thurston Road, Chili Avenue, Jefferson Avenue, and Genesee Street (Madison Jr./Sr. High School during dismissal). The legislation will:

1. Appropriate funds from the 2002-03 Anti-Drug Initiative Funds in the amount of \$50,000.00.
2. Provide 870 hours of police foot and bike patrol service to the problem areas of the Genesee section:
 - 100 hours (2 police officers for 50 days, 1 hour after dismissal) at James Madison Jr./Sr. High School
 - 770 hours for details on Thurston Road, Chili Avenue, and Jefferson Avenue.

Three years ago, leaders from the southwest community approached the Mayor for increased police presence on Thurston Road, Chili Avenue, Jefferson Avenue, and Genesee Street to avoid an increase of drug related crimes. After a number of shootings, murders, and open air drug deals some arrests have been made but the problem has not been solved. The goal of this detail is to provide a proactive intervention aimed at reducing drug trafficking and homicides.

The legislation for \$50,000, would provide for full implementation of the detail. The detail will be funded from the 2002/03 Anti-Drug Initiative Funds.

Respectfully Submitted,
Adam C. McFadden
South District Councilmember

Introductory No. 103

ESTABLISHING A POLICE FOOT AND BIKE PATROL DETAIL FOR DRUG TRAFFICKING AND HOMICIDE PREVENTION AND AMENDING THE 2003-04 BUDGET

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the budget for the Genesee Section Police detail to be performed by the Rochester Police Department to proactively reduce drug trafficking and homicides in the City of Rochester. Said amount shall be funded from the 2003-04 Budget of the

Office of City Council.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates to the Office of City Council by the Sum of \$50,000, which amount is hereby reappropriated from the 2002-03 Anti-Drug Initiative.

Section 3. This ordinance shall take effect immediately.

Item failed in committee.

The meeting was adjourned at 9:42 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirements

DCD

*Wilma J. Wheten

DES

Charles Becoats, Sr.

*George Giuliano

*Steven J. Stanton

Library

Jean E. Verno

*Walter E. Nesbitt

RFD

David J. Camelio

RPD

Peter Butler

John M. Girvin

Gregory L. Guy

*Robert M. Brighton

*Gerald D. Connor

*Guillermo Torres

*Not attending meeting.

APPROVAL OF THE MINUTES

By Councilmember Douglas

RESOLVED, that the minutes of the Regular Meeting of March 23, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3766-7
Quarterly Report. 3767-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Amending The 2002-03 Community Development Program By Transferring Funds To A New Account For The Aging In Place Project And Authorizing An Agreement Int. No. 116 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District Int. No. 117 No speakers.

Continuation Of Local Improvement Ordinance No. 1352 Relating To The Downtown Guides Program Int. No. 135 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement

REGULAR MEETING
APRIL 20, 2004

Present - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Absent - Councilmembers McFadden, Santiago - 2.

Int. No. 136 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts Int. No. 127 No speakers.

Continuation Of Local Improvement Ordinance No. 1291 Relating To The Main Street Enhancement District Int. No. 128 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 129 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements Int. No. 130 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
April 20, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 106 - Amending Ordinance No. 2003-403 Relating To The Project Turnaround Challenged Street Program

Int. No. 107 - Authorizing The Sale Of Real Estate

Int. No. 108 - Authorizing Agreements And Appropriating Funds For The Rehab Rochester Program

Int. No. 109 - Authorizing A Loan Agreement For Apartments At 271 Central Park And Amending Ordinance No. 2004-7, As Amended

Int. No. 110 - Approving The Acquisition Of A Parcel For The Fulton Avenue Challenged Street Project

Int. No. 111 - Authorizing The Lease Of 70 North Washington Street

Int. No. 112 - Resolution Approving Appointment To The Rochester Environmental Commission

Int. No. 113 - Resolution Approving Appointment To The Elevator Examining Board

Int. No. 114 - Authorizing An Agreement For The Fair Housing Enforcement Project

Int. No. 115 - Amending The 2003-04 Budget For Rochester Riverside Convention Center Improvements, As Amended

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 116 - Amending The 2002-03 Community Development Program By Transferring Funds To A New Account For The Aging In Place Project And Authorizing An Agreement

Int. No. 117 - Local Improvement Ordinance

- Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

Int. No. 135 - Continuation Of Local Improvement Ordinance No. 1352 Relating To The Downtown Guides Program

Int. No. 136 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement

Respectfully submitted,
Wade S. Norwood
Lois J. Giess
Gladys Santiago (Voted on Introductory No. 115 through Introductory No. 136)
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-95 And
Ordinance No. 2004-96
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of seven properties and amending a prior ordinance relating to the acquisition of property. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Sales

The first property being sold is a structure that was offered at a Request for Proposal Sale. The corporation purchasing the property will demolish the structure and utilize the resulting vacant lot to construct a warehouse and office structure to be used in conjunction with its existing building.

The next property is a vacant lot that was sold at Request for Proposal sale. The parcel will be developed as a parking lot.

The next property is a vacant lot that was sold at the November 18, 2003 Public Auction. The parcel will be fenced and landscaped and combined with the purchaser's adjoining property.

The next property is a structure that is being sold to the former owner. The purchase price includes all delinquent taxes, interest and penalties.

The last three properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcel located at 401 Murray Street is considered unbuildable due to its size. The parcels located at 498 Clifford Avenue and 887-905 Jefferson Avenue are considered unbuildable due to their insufficient depth.

All City taxes and other charges, except water charges against properties being sold by the City, will be can-

celed on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Amendment

The acquisition of 24 Maria Street was approved on December 23, 2003, as part of the Project Turnaround Challenged Street Project. The acquisition amount is requested to be increased from \$2,800 to \$3,300 as a result of negotiation and is supported by a revised appraisal prepared by Kevin Bruckner. This will result in increasing the total acquisition costs to \$22,550. The amount previously authorized for acquisition, demolition and closing costs, \$62,000, will not need to be adjusted.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-39

Ordinance No. 2004-95
(Int. No. 106)

Amending Ordinance No. 2003-403 Relating To The Project Turnaround Challenged Street Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-403, relating to the acquisition of parcels for the Project Turnaround Challenged Street Program, is hereby amended by authorizing an increase in the acquisition price of 24 Maria Street from \$2,800 to \$3,300. Said increase shall be funded from the funding set forth in Ordinance No. 2003-403.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-96
(Int. No. 107)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of improved property by request for proposal sale:

Address: 225 Ames St.
S.B.L.#: 120.33-1-42
Price: \$4,000
Purchaser: Concord Electric Corp.*

*Officers: John P. Loiacono; Scott A. Taylor

Section 2. The Council hereby further approves the sale of the following parcel of vacant land by request for proposal sale:

Address: 283-287 Bay St.
S.B.L.#: 106.51-2-3.2
Price: \$5,000

Purchaser: Marvin Berman

Section 3. The Council hereby further approves the sale of the following parcel of vacant land with proposal by regular auction:

Address: 88 Saratoga Av.
S.B.L.#: 105.68-3-84
Price: \$50
Purchaser: Gino J. Romano

Section 4. The Council hereby further approves the sale of the following parcel of improved property to the former owner:

Address: 3 Lansing St.
S.B.L.#: 106.42-1-2
Price: \$3,717.59
Purchaser: Janice Scott

Section 5. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Sq. Ft. Purchaser
498 Clifford Av. 106.31-2-69	4371± Eddie & Evator Bryant
401 Murray St. 105.57-3-12	4103± ALA Properties*
887-905 Jefferson Av. 120.84-1-57,58&59	7230± Patricia A. Jackson

*Officer: Anthony Fusilli

Section 6. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-97
Re: Rehab Rochester Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation:

1. Authorizing the receipt and use of a \$300,000 grant from the New York State Affordable Housing Corporation (AHC) for funding of the Rehab Rochester Program; and
2. Authorizing agreements with AHC and any other agencies necessary for implementation of the program.

The Rehab Rochester Program provides grants to income-eligible households for the rehabilitation of owner-occupied, single-family houses. Households with incomes not exceeding 60% of the median family income will be eligible to participate. The AHC requires the following residency periods for participants

in the program: 1) two years if the AHC funds are less than or equal to \$5,000; 2) five years if more than \$5,000 and less than or equal to \$10,000; and 3) 9.5 years (114 months) if more than \$10,000.

The proposed appropriation will provide grants of up to \$25,000 for the rehabilitation of up to twenty-four structures. The AHC award will be matched with \$300,000 from an existing Rehab Rochester appropriation, which was approved by Council on October 15, 2002.

City Council previously passed legislation authorizing the receipt of AHC funds for the Rehab Rochester Program on November 19, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-97
(Int. No. 108)

Authorizing Agreements And Appropriating Funds For The Rehab Rochester Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Affordable Housing Corporation for funding for the Rehab Rochester Program.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$300,000, or so much thereof as may be necessary, to fund the Rehab Rochester Program.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Rehab Rochester Program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-98
Re: Affordable Rental Housing -
271 Central Park

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an \$18,000 loan agreement with the North East Neighborhood Alliance Community Land Corporation (NENA/CLC) to allow for the continued operation and management of two affordable apartments at 271 Central Park. The source of funds for this agreement is the 2000-2001 City Development Fund.

NENA/CLC acquired 271 Central Park, the former Roger's House restaurant, from Corpus Christi Church in 2001. The property contains the Central Park Soul Food Cafe and two second floor apartments, each with two bedrooms, and was renovated with assistance

from the City, authorized on August 21, 2001.

The 2001 renovation was budgeted at \$112,000 with \$31,883 provided as a grant by the City. However, the actual cost of the project was \$130,000, an increase of \$18,000. The cost increase resulted from undetected problems with the mechanical systems and more stringent fire safety standards mandated by the mixed-use occupancy.

NENA/CLC was able to complete the renovation with a combination of permanent and interim financing. NENA is requesting an \$18,000 loan from the City to be used as permanent financing. If authorized, the loan would enable NENA/CLC to maintain the apartment rents at levels affordable to households at or below 30% of median family income, i.e. \$400 per month. Such units address the most significant unmet housing need in the community. The units are currently occupied by family households with children.

The proposed terms for the loan are: \$18,000 loan at 5% annual interest on the principal only; 14 year term; payments of principal and interest deferred and due in full at the end of the 14th year. The accrued principal and interest payable on the loan would be \$30,600. Repayment of the City's loan would be accomplished by refinancing the property upon the repayment of the current \$75,000 first mortgage loan to HSBC Bank USA. The HSBC loan will be paid off no later than 2016. The proposed City loan would be due in 2018.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-98
(Int. No. 109, As Amended)

Authorizing A Loan Agreement For Apartments At 271 Central Park And Amending Ordinance No. 2004-7

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with the North East Neighborhood Alliance Community Land Corporation for the continued operation and management of two affordable apartments at 271 Central Park. The loan agreement shall extend for a term of 14 years, with 5% annual interest on the principal only. Payment of principal and interest shall be deferred and due in full at the end of the term.

Section 2. The loan agreement shall obligate the City to pay an amount not to exceed \$18,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 City Development Fund.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2004-7, relating to the Elmgrove Place Project, is hereby amended by further authorizing the construction loan agreement in Section 2 to be with Housing Opportunities, Inc. or a housing development fund corporation or limited partnership formed by Housing Opportunities, Inc.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-99
Re: Fulton Avenue Acquisition

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition of a property located at 228-230 Fulton Avenue as part of the Fulton Avenue Challenged Street Project. Pertinent information regarding the property to be acquired is as follows:

Property Address: 228-230 Fulton Avenue
Owner: Vu Truong
Type: 4 Family
Amount: \$15,000

The acquisition amount was established through independent appraisals prepared by Robert G. Pogel, SRPA, and Kevin Bruckner, MAI. The property is vacant; therefore, no relocation estimates are required. A total appropriation of \$50,000 is requested to fund the acquisition, demolition and closing costs.

This acquisition will be funded through the 2002-03 Cash Capital Challenged Street Allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-40

Ordinance No. 2004-99
(Int. No. 110)

**Approving The Acquisition Of A Parcel For The
Fulton Avenue Challenged Street Project**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcel from the current owner for a maximum amount not to exceed the following as a part of the Fulton Avenue Challenged Street Project:

Property Address: 228-230 Fulton Av.
Reputed Owner: Vu Truong
S.B.L. #: 105.27-2-34
Type: 4 Family
Maximum Acquisition Amount: \$15,000

Section 2. The acquisition, demolition and closing costs shall obligate the City to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital Allocation.

Section 3. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the

date of closing, while the City still owns the parcel, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-100
Re: Lease - 70 North Washington Street

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the extension of a lease agreement between the City of Rochester and G. Thomas Slattery for the City-owned vacant lot at 70 North Washington Street. This parcel is a landlocked property surrounded by a public parking lot owned by Mr. Slattery.

The term of the new lease will begin on May 1, 2004, and continue on a month-to-month basis, terminating on April 30, 2005. The City will have the right to cancel the lease, upon thirty days notice to Mr. Slattery, in the event that development occurs in the area.

The rental amount will be \$200 per month as established through negotiations with Mr. Slattery and the City's Division of Real Estate.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-41

Ordinance No. 2004-100
(Int. No. 111)

**Authorizing The Lease Of 70 North Washington
Street**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with G. Thomas Slattery for the continued use of the City parcel at 70 North Washington Street for public parking. The lease agreement shall extend on a month to month basis, not to exceed one year.

Section 2. The lease agreement shall obligate G. Thomas Slattery to pay the City the sum of \$200 per month in rent.

Section 3. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:
Resolution No. 2004-11
Re: Appointment - Rochester
Environmental Commission

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment of Derek S. Darling, 373 Pearl St., Rochester 14607, to the Rochester Environmental Commission.

Mr. Darling is Executive Director of a local, not-for-profit, volunteer coordination company and has extensive experience in the engineering sciences field. Mr. Darling will fill the vacancy created by the January 7, 2004 resignation of Cindy Gotobed.

Mr. Darling's term will expire as of April 30, 2005. A copy of his resume is on record in the City Clerk's office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-11
(Int. No. 112)

Resolution Approving Appointment To The Rochester Environmental Commission

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Derek S. Darling, 373 Pearl Street, to the Rochester Environmental Commission for a term which shall expire on April 30, 2005. Mr. Darling shall replace Cindy Gotobed, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Norwood, Pritchard, Stevenson - 6.

Nays - Councilmember Mains - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-12
Re: Appointment - Elevator Examining Board

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment of Mark Schwartz to the Elevator Examining Board.

Mr. Schwartz is the Director of Medical Center Facilities at the University of Rochester Medical Center. He will serve on the board in the capacity of a building owner representative and will be appointed to a full, three-year term. A copy of Mr. Schwartz's resume is on file in the Office of the City Clerk.

Mr. Schwartz's term will extend through April 30, 2007.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-12
(Int. No. 113)

Resolution Approving Appointment To The Elevator Examining Board

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Mark Schwartz, 31 Silverknoll Drive, to the Elevator Examining Board for a term which shall expire on April 30, 2007. Mr. Schwartz shall serve as a representative of a building owner.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-101
Re: Fair Housing Enforcement Project -
Legal Aid of Western New York, Inc.

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation:

1. Authorizing an agreement with Legal Aid of Western New York, Inc. for continuation of the Fair Housing Enforcement Project (FHEP) [Note: Legal Aid of Western New York, Inc. now includes the non-profit agency formerly known as Monroe County Legal Assistance Corporation]; and
2. Appropriating \$43,000 from the 2003-04 Community Development Program - Improving Housing Stock and General Property Conditions allocation for Fair Housing Activities.

The maximum cost of this agreement will be \$43,000. The most recent appropriation and agreement was authorized by Council on May 13, 2003.

Begun in January 1998, the FHEP addresses illegal housing discrimination throughout the Greater Rochester area through community outreach, investigation of complaints, and legal representation. The outreach and education activities will be funded with the proposed agreement. Tasks include working with the public, community organizations, and housing service providers to increase awareness of Fair Housing issues and encourage compliance with State and Federal statutes.

The City's funding leverages approximately \$125,000 worth of pro bono services from the Advertising Council of Rochester (Ad Council). The Ad Council has provided services and been an active participant in the effort since 2001. Recognition of the project's effectiveness is reinforced by the Ad Council's selection of FHEP for its 2004 Potter Award. The Potter Award recognizes success in implementing a collaborative initiative that fills a community need. FHEP has also secured a 2004 grant award of \$12,000 for advertising expenses from the Wilson Foundation.

FHEP activities funded through a HUD Fair Housing grant include responding to inquiries and legal representation for individual cases having merit, including enforcement actions taken in Federal Court and administrative actions through the NYS Division of Human Rights and HUD.

City funded activities undertaken during the 2002-03 program year included: an outreach and education

media campaign, including television and radio broadcasts; presentation of an annual Fair Housing Conference; targeted outreach to the Latino community (Latino Impact Housing Luncheon, 10/15/03); and publication of *It's Your Right* newsletter.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-101
(Int. No. 114)

Authorizing An Agreement For The Fair Housing Enforcement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Monroe County Legal Assistance Corporation for the Fair Housing Enforcement Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$43,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-102
Re: Rochester Riverside Convention Center

R2010: Campaign 10 - Center City
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation appropriating \$210,000 for capital improvements at the Rochester Riverside Convention Center and amending the 2003-04 Budget to transfer this amount from Contingency to the Department of Parks, Recreation and Human Services budget.

While the Convention Center annually budgets for capital improvements, the City has periodically provided additional funding to maintain a quality facility. The last large project, in the amount of \$400,000, was during 1997-98 for renovations to the Lilac Ballroom. The current request will fund the following improvements:

Area	Cost
Galleria paint and lighting	\$ 45,000
West Corridor carpet	60,000
Empire Hall carpet	50,000
Cascade and Aqueduct meeting rooms renovations	55,000
Total	\$210,000

These renovations are necessary in order for the Convention Center to maintain their high quality

service.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-102
(Int. No. 115, As Amended)

Amending The 2003-04 Budget For Rochester Riverside Convention Center Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$210,000 from the Contingency Account to the [Cash Capital Allocation] Department of Parks, Recreation and Human Services to fund capital improvements to the Rochester Riverside Convention Center.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-103
Re: Aging in Place

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation:

1. Amending the 2002-03 Community Development Block Grant Program [Improve the Housing Stock and General Property Conditions Allocation] by transferring \$9,500 from the Rehab Rochester account to a new account for the Aging in Place Project.
2. Appropriating \$9,500 from the Improve the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program for the Aging In Place Project.
3. Authorizing an agreement with Partners for Livable Communities for the project.

The Aging in Place Project is an 18-month community engagement process to assist communities to improve their livability for older persons and in turn, increase livability for all people. It is anticipated that an additional \$10,000 will be included in the Community Development Program for 2004-05.

Partners will work with participating communities to develop a National Blueprint on Aging in Place. The finished publication will include broad solutions to the Aging in Place challenges and opportunities confronting communities across the nation, specific community solutions, products produced and the comprehensive plans of all participants.

A public hearing on the CDBG transfer is required.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2004-103
(Int. No. 116)

Amending The 2002-03 Community Development Program By Transferring Funds To A New Account For The Aging In Place Project And Authorizing An Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 2002-03 Community Development Program Plan is hereby amended within Improve the Housing Stock and General Property Conditions Allocation by transferring the sum of \$9,500 from the Rehab Rochester Account to a new account for the Aging In Place Project.

Section 2. The Mayor is hereby authorized to enter into an agreement with Partners for Livable Communities for the Aging In Place Project.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$9,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improve the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Pritchard, Stevenson - 6.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1527
Re: Merchants/Winton Road Open Space District

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the annual maintenance budget for the Merchants/Culver Road Open Space District and apportioning this cost among the properties included in the district.

The district was established by the City Council on August 20, 1996 to preserve as open space approximately 1.5 acres of land on Merchants Road. The district includes 71 properties on Winton, Merchants, Royleston, Woodstock, Marsden and Elmcroft Roads.

The open space land consists of: 1) one parcel that was owned by the City prior to establishment of the district, and 2) one parcel that was acquired by the City in 1996 for \$21,000. The cost of acquisition is being amortized over 10 years at a rate of 5%, or at about \$2,720 per year.

The budget for maintenance of the land is established annually. For 2004-2005, the budget will remain at \$500, the 2003-2004 level.

The total charges will be apportioned among the properties within the district based upon their assessed values, without consideration of any exemptions. There are two classes of properties:

1. Properties that are within the triangular area that contains the open space; and
2. Properties that are across the street from the triangular area.

The charges for properties within the first group will be based upon total assessed values while charges for properties within the second group will be based upon two-thirds of their assessed values.

Upon approval of the proposed maintenance budget, charges for the individual properties within the district will be prepared and submitted to the Council for consideration. The property owners will be provided with an opportunity to review these assessments and to comment upon them at a public meeting.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-42

Local Improvement Ordinance No. 1527
(Int. No. 117)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The maintenance cost of the special work and services for the 2004-05 fiscal year for the Merchants/Winton Road Open Space District is established as \$500, which with the previously approved capital costs of \$2,719.60 establishes a total assessment of \$3,219.60, and said total amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1395.

Section 2. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement No. 1528 And
Local Improvement No. 1529
Re: Downtown Guides Program

R2010: Campaign 8 - Tourism Destination
Campaign 10 - Center City
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation relating to the Downtown Guides Program. This legislation will:

1. Authorize a five-year continuation of the special assessment district through which the program is financed;
2. Approve the 2004-2005 budget of the program and apportion the budget costs among the various properties within the District; and
3. Authorize an agreement with Downtown Special Services, Inc. for continued administration of the program.

The program was initially authorized by the City Council on March 15, 1994 and re-authorized on May 11, 1999. Under the proposed legislation, this term will be extended beyond June 30 for an additional five-year period.

The guides walk regular routes within downtown and provide people with directions and information about downtown activities, events and attractions. They also report, via radio, any emergency situations. The program is operated within the Inner Loop and in the High Falls, Frontier Field and Kodak office building areas. It is administered by a non-profit corporation, Downtown Special Services, Inc., which is directed by an eleven-member board consisting of representatives from downtown businesses, the tourist industry and the City and County governments.

The costs of the program are apportioned among all non-homestead properties within the program or district boundaries except those owned by the federal or state governments. The apportionment is based upon relatively assessed valuation.

The cost of the program will be \$291,000. Of this amount, \$200 will be financed from interest earnings and unused assessments from 2003-04. After an addition of a reserve for delinquent accounts of 4.0%, total assessments will be \$302,916, which is \$12,344 less than the 2003-2004 assessment (\$315,260).

If the proposed legislation is approved, the assessments for individual properties will be prepared and submitted to the Council for consideration. Property owners will be provided with an opportunity to review these assessments and to comment upon them at a public hearing.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-43

Local Improvement Ordinance No. 1528
(Int. No. 135)

Continuation Of Local Improvement Ordinance No. 1352 Relating To The Downtown Guides Program

WHEREAS, by Local Improvement Ordinance No. 1352, the City provided for the levying of local improvement assessments to fund the cost of the Downtown Guides Program; and

WHEREAS, said Local Improvement Ordinance

was extended for five years by Local Improvement Ordinance No. 1446, and the Council desires to continue said Local Improvement Ordinance for an additional period of five years,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Local Improvement Ordinance No. 1352, relating to the levying of local improvement assessments to fund the cost of the Downtown Guides Program, as amended, is hereby re-enacted for an additional period of five years, commencing on July 1, 2004.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

Local Improvement Ordinance No. 1529
(Int. No. 136)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services for the 2004-05 fiscal year for the Downtown Guides is established at \$302,916, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinance No. 1446 and at this meeting.

Section 2. The Mayor is further authorized to enter into an agreement with Downtown Special Services, Inc. for the operation of the Downtown Guides Program. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

By Councilmember Mains
April 20, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 119 - Establishing Maximum Compensation For A Professional Services Agreement For The Rhythm Nights Concert Series

Int. No. 120 - Appropriating Funds And Amending

The 2003-04 Budget For The Locust Hill Country Club Youth Caddie Program

Ordinance No. 2004-104
(Int. No. 119)

Int. No. 121 - Authorizing An Application And Agreements For The 2004 Summer Food Service Program For Children

Establishing Maximum Compensation For A Professional Services Agreement For The Rhythm Nights Concert Series

The Public Services, Health & the Arts Committee recommends for consideration the following entitled legislation:

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Int. No. 118 - Authorizing An Application And Agreements Relating To The Rochester After School Academy II Program And Amending The 2003-04 Budget

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Up All Night for booking artists for the "Rhythm Nights" concert series at the High Falls Festival Site. Of said amount, \$8,000 shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget, and \$7,000 is hereby appropriated from the Rochester Events Network Trust Fund. The agreement shall also provide Up All Night exclusive rights to vend food and beverages to the public at the "Rhythm Nights" concert series, in exchange for the sum of \$500 and 25% of the net revenue from the food and beverage sales.

Respectfully submitted,
Tim O. Mains
Lois J. Giess
Gladys Santiago
PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Section 2. This ordinance shall take effect immediately.

Received, filed and published.

Passed by the following vote:

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-104
Re: Agreement -Up All Night - Rhythm Nights Concert Series

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Pritchard, Stevenson - 6.

R2010: Campaign 10 - Center City
Campaign 11 - Arts and Culture

Nays - Councilmember Curran - 1.

Transmitted herewith for your approval is legislation authorizing an agreement with "Up All Night" (principal: Gerard Fisher, 111 East Ave., Rochester, NY 14604), for booking national and regional artists for the 2004 "Rhythm Nights" concert series, and for vending food and beverages to the public during this four-part series at the High Falls Festival Site.

TO THE COUNCIL
Ladies and Gentlemen:

The "Rhythm Nights" free concert series is produced to provide free entertainment options for a diverse, urban audience. The series will take place on four Friday evenings, June 18, 25, July 2, and July 9, and will feature national and regional jazz and rhythm and blues artists. Up All Night will also provide a production manager and hospitality for the artists.

Ordinance No. 2004-105
Re: Locust Hill Country Club Youth Caddie Program

City Council authorized a similar agreement with B & R Productions on December 17, 2002 for the 2003 series which drew a diverse crowd of nearly 4,000 over four evenings at a cost of \$15,000. The cost of the 2004 series will remain at \$15,000 for four events.

R2010: Campaign 2 - Educational Excellence
Campaign 5 - Regional Partnerships

Up All Night will provide food and beverages for sale to the public at the High Falls Festival Site during the four 2004 Rhythm Nights concerts. Up All Night will pay the City a flat fee of \$500 for exclusive vending rights in the High Falls Festival Site for the four above-mentioned concerts. Up All Night will provide the City with 25% of net revenue from food and beverage sales from the four events.

Transmitted herewith for your approval is legislation appropriating \$7,000 from the Job Creation/Youth Development allocation of the 2003-04 Community Development Block Grant and amending the 2003-04 Budget of the Department of Parks, Recreation and Human Services to reflect this appropriation.

The total cost of this agreement is \$15,000, with \$8,000 from the 2004-05 Budget of the Department of Parks, Recreation and Human Services and \$7,000 from the Rochester Events Network Trust Fund.

The Bureau of Parks and Recreation has a \$6,000 agreement with Locust Hill Country Club to provide 25 City youth ages 14-18 with professional golf instruction, caddie training, and opportunities for employment as caddies. The program will begin May 1, 2004 and end September 6, 2004. Locust Hill has committed \$2,500 to the project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

The \$7,000 of CDBG funds will be used to cover the cost of transportation for the students by increasing an existing purchase order with Laidlaw Transit, Inc.

Attachment No. AD-44

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-45

Ordinance No. 2004-105
(Int. No. 120)

Appropriating Funds And Amending The 2003-04 Budget For The Locust Hill Country Club Youth Caddie Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$7,000, which amount is hereby appropriated from the Job Creation/Youth Development Allocation of the 2003-04 Community Development Program to fund transportation services for the Locust Hill Country Club Youth Caddie Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-106
Re: 2004 Summer Food Service Program

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing agreements with:

1. The New York State Department of Education for the receipt and use of such funds as may be allocated to the City for the 2004 Summer Food Service Program; and
2. The Rochester City School District for preparation and delivery of the breakfast and lunches to be provided under the program.

The Summer Food Service Program (SFSP) provides free meals during the summer to children 18 years of age or younger. Persons over age 18 who are determined by a state or local educational agency to be mentally and/or physically disabled and who are enrolled in a public or private non-profit program for children with disabilities during the school year are also eligible to participate in the meal program.

The Department of Parks, Recreation and Human Services has administered the SFSP since 1976. Until 1993, only lunches were served. Beginning in 1994, breakfast service was available to all sites. The Rochester City School District Central Kitchen prepares and delivers the meals to the program sites.

The City School District has certified that more than 50% of its total enrollment is eligible for free or reduced price school meals, enabling all areas of the city to participate in the SFSP program.

In 2004, the program will operate approximately 100 sites from June 28 through August 27. The selection of the specific sites will be based on proximity to youth service activities and past participation in the program.

The City School District will prepare and deliver meals for SFSP at the following unit costs:

	2003 CSD Rate	2004 CSD Rate	SFSP 2003 Reimbursement Rate
Breakfast	\$1.08	\$1.13	\$1.455
Lunch	2.05	2.12	2.555

Provision for the Summer Food Service Program will be included in the revenue estimates and appropriations of the 2004-2005 Department of Parks, Recreation and Human Services budget.

A three-year summary of total number of meals served is as follows:

Year	Total Lunch Reimbursed	Total Breakfast Reimbursed
2003	113,097	57,822
2002	120,198	64,964
2001	155,596	73,307

For 2004, it is anticipated that the reimbursement will be \$389,500 based on the projected figures of 66,000 breakfasts and 122,000 lunches. This reimbursement figure will also support \$56,300 in administrative and operating expenses, including \$9,000 for limited refuse collection.

The most recent agreement for these services were approved by Council on April 8, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-46

Ordinance No. 2004-106
(Int. No. 121)

Authorizing An Application And Agreements For The 2004 Summer Food Service Program For Children

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Education for the funding for the 2004 Summer Food Service Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the City School District for the preparation and delivery of meals pursuant to the program, contingent upon receipt of such funding.

Section 3. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$389,500, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget and receipt of said funding.

Section 4. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-107
Re: New York 21st Century Community
Learning Centers Program-Rochester
After School Academy II

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legisla-
tion:

- I. Authorizing agreements with:
 - a. The New York State Department of Education for the receipt of a grant in an amount not to exceed \$1,285,307 for the operation of the Rochester After School Academy II (RASA-2) program. The full grant period is for 5 years for a total grant award of \$3,973,421. This program will receive funds for two phases: a "start-up" period of six months (January - June 2004) in an amount not to exceed \$389,269; and a program operation period of one full year (July 2004 - June 2005) in an amount not to exceed \$896,038.
 - b. The following agencies that comprise RASA-2 (listed with their school sites):

<u>Agency</u> <u>School Partner</u>	<u>2003-04</u>	<u>2004-05</u>
Catholic Family Center - CYO John Marshall High School	\$ 56,435	\$127,287
Community Place of Greater Rochester Freddie Thomas Learning Center	16,507	133,518
Southwest Area Neighborhood Assn. James Madison High School	21,712	93,628
City Bureau of Recreation Jefferson Middle School	26,277	72,341
Rochester School for the Deaf RSD	125,980	194,187
Coordinated Care Services, Inc. Various School sites	51,540	101,472
	\$298,451	\$722,433

2. Appropriating a portion of the grant funds and amending the 2003-04 budget by \$117,100, to finance costs associated with the administration of the grant by the Bureau of Human Services (\$90,818), and the costs for the operation of the RASA-2 program at Jefferson Middle School.

Provision for the remaining \$173,605 of program operating funds will be made in the 2004-2005 budget of DPRHS.

The 21st Century Community Learning Centers Program Grant was awarded in February 2004 to the City by the NYS Department of Education to fund the Rochester School Academy II (RASA-2) program. RASA-2 is a comprehensive and strategic approach to after-school programming, designed to enhance and extend learning opportunities beyond the traditional school day. RASA-2 will operate 5 Academies (Community Learning Center sites) at Title I schools, and will serve 320 students and 320 family members.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-47

Ordinance No. 2004-107
(Int. No. 118)

Authorizing An Application And Agreements Relating To The Rochester After School Academy II Program And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy II (RASA-2) Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects for eighteen months under the Rochester After School Academy II Program:

<u>Agency</u> <u>School/Agency Partner</u>	<u>2003-04</u>	<u>2004-05</u>
Catholic Family Center - CYO John Marshall High School	\$ 56,435	\$127,287
Community Place of Greater Rochester Freddie Thomas Learning Center	16,507	133,518
Southwest Area Neighborhood Assn. James Madison High School	21,712	93,628
City Bureau of Recreation Jefferson Middle School	26,277	72,341
Rochester School for the Deaf RSD	125,980	194,187
Coordinated Care Services, Inc. Various School sites	51,540	101,472
Total	\$298,451	\$722,433

Section 3. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$1,285,307, or so much thereof as may be necessary, to fund the agreements authorized herein, indirect and administrative expenses.

Section 4. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$117,100, which amount shall be funded from the appropriation made in Section 3 hereof.

Section 5. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson

April 20, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 122 - Authorizing Agreements For The Adopt-A-Lot Program, Appropriating Funds For Brown Street And Amending Ordinance No. 2004-86 And The 2003-04 Budget For The Adopt-A-Block Program, As Amended

Int. No. 123 - Authorizing A Grant Agreement For Athletic Fields And Amending The 2003-04 Budget

Int. No. 124 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,887,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Street Improvement Program

Int. No. 125 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$710,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Street Improvement Program

Int. No. 126 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$400,000 Bonds Of Said City To Finance The Cost Of The Fourth And Peck Park, Farmington Park And Verona Playground Improvement Projects

The Parks, Public Works & the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 127 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 128 - Continuation Of Local Improvement Ordinance No. 1291 Relating To The Main Street Enhancement District

Int. No. 129 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 130 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Respectfully submitted, Robert J. Stevenson, Brian F. Curran, Gladys Santiago, PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen: Ordinance No. 2004-108 Re: Adopt-A-Lot Agreements

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation authorizing agreements with eight neighborhood associations for the maintenance of vacant lots by Adopt-A-Lot. The total cost of the agreements

will be \$116,150, which will be financed from the 2003-04 budget of the Department of Environmental Services.

Adopt-A-Lot, which began in 1983, is designed to increase the quality of vacant lot maintenance while decreasing its cost. Under the program, DES annually establishes the amount paid for maintenance of each vacant lot equivalent. Each lot equivalent represents a standard 40' x 100' parcel. DES prescribes maintenance standards and solicits proposals for such maintenance from the neighborhood associations in the areas in which the lots are located.

The maintenance standard prescribed for the associations is the same standard used by the department. The associations are required to perform maintenance four or five times each season, with an emphasis upon maintenance during the spring.

Last season 495 lot equivalents were maintained by Adopt-A-Lot. This year the proposal is for 505 lot equivalents (which comprise 440 sites).

The following organizations will participate in the 2004 program:

Table with 2 columns: Organizations, Amount. Lists various associations and their respective amounts, totaling \$116,150.

In total, the eight organizations will be responsible for maintaining 505 lot equivalents, of the 2,435 City-owned, DES maintained lots. The established price for the 2004 program for yearly maintenance is \$230 per lot equivalent.

The following is a summary of participation in the program since 1995.

Table with 4 columns: Year, Number of Organizations, Number of Lots, Lot Equivalents. Shows participation data from 1995 to 2003.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2004-108 (Int. No. 122, As Amended) Authorizing Agreements For The Adopt-A-Lot Program, Appropriating Funds For Brown Street And Amending Ordinance No. 2004-86 And The 2003-04 Budget For The Adopt-A-Block Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations under the Adopt-A-Lot Program:

Organization	Amount
Coalition of Northeast Associations (CONEA)	\$35,190
Marketview Heights Association	20,700
North East Block Club Alliance (NEBCA)	20,700
Southwest Area Neighborhood Association (SWAN)	16,100

Section 2. The agreements authorized herein and additional Adopt-A-Lot agreements shall obligate the City to pay an amount not to exceed \$116,200, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 Budget of the Department of Environmental Services.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2004-86, relating to the Adopt-A-Block Program, is hereby amended by rescinding the appropriations and reappropriations made in Section 2 thereof and by funding the total amount of said agreements, \$264,926, from the 2003-04 Budget of the Department of Environmental Services.

Section 5. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$264,900 from the Cash Capital Allocation to the Department of Environmental Services to fund the Adopt-A-Block Program.

Section 6. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program the sum of \$264,900, or so much thereof as may be necessary, to fund the Brown Street Gateway Improvements Project.

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-109
Re: New York State Legislative Grant -
Genesee Valley Park Athletic Fields

R2010: Campaign 1 - Involved Citizens
Campaign 3 - Health, Safety
and Responsibility
Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to planned improvements to the baseball fields at Genesee Valley Park. This legislation will:

1. Authorize agreements with the following organizations:
 - a. New York State Office of Parks, Recreation and Historic Preservation for the receipt of a

grant of \$60,000, and

- b. Genesee Valley Little League, Inc., for use of these funds.

2. Amend the 2003-04 Budget to reflect receipt and use of this grant.

The grant will be used to finance the costs of improvements at three baseball fields at Genesee Valley Park. The project is part of an ongoing effort to upgrade the baseball diamonds in collaboration with the Genesee Valley Little League. The work will complete the backstop replacement and field improvement phase of this overall project. Improvements include: re-grading and restoring fields; new backstops, player's benches, and bleachers; and additional improvements if funding allows.

Genesee Valley Little League, Inc., a not-for-profit organization, has used these fields for over 14 years. Approximately 200 youth, ages 5-18, annually participate in the program. About 200 games are played on the fields each year.

The grant is included in the New York State budget through the efforts of Assemblyman David Gantt.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-109
(Int. No. 123)

Authorizing A Grant Agreement For Athletic Fields And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for funding for improvements to the baseball fields at Genesee Valley Park.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Genesee Valley Little League, Inc. for improvements to the baseball fields at Genesee Valley Park.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$60,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 Cash Capital Allocation.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$60,000, which amount is hereby appropriated from funds to be received from the State of New York for improvements to the baseball fields at Genesee Valley Park.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-110 And
Ordinance No. 2004-111
Re: Bonds - Street Improvement Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$3,597,000 for street and water improvements.

This year's program provides for the resurfacing of approximately 7.45 miles of streets, the rehabilitation or reconstruction of approximately 0.08 miles of residential streets, the replacement of curbs of approximately 3.22 miles of residential streets, and other related improvements.

The requests for \$2,887,000 of street improvement bonding and \$710,000 of water improvement bonding are consistent with the 2003-04 Capital Improvement Plan. Bonding for sewer improvements is being deferred. The scope and cost of sewer improvements have been less than expected. As a result, previously approved funds are sufficient to cover the cost of current projects.

The resurfacing, curb replacement, and residential rehabilitation and reconstruction street projects included in the Street Improvement Program are shown in Attachment A.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-48

Ordinance No. 2004-110
(Int. No. 124)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,887,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Street Improvement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets related to the 2004 Street Improvement Program in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,887,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,887,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,887,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,887,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the

Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

Ordinance No. 2004-111
(Int. No. 125)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$710,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Street Improvement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Street Improvement Program in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$710,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$710,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$710,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$710,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any

notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2004-112

Re: Bond - Park/Playground Improvements

R2010: Campaign 1 - Involved Citizens

Campaign 3 - Health, Safety
and Responsibility

Campaign 4 - Environmental
Stewardship

Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$400,000 and appropriating the proceeds thereof to finance

improvements to Fourth & Peck, Farmington, and Verona Street Parks.

The improvements have been designed by DES/Bureau of Architecture and Engineering. The Fourth & Peck Park improvements include: The demolition of existing pavement and installation of new play equipment, a basketball half court, trash receptacles, picnic tables and grills. The project will also include a small water play area. Work will commence this summer and be completed by October, 2004. Estimated cost of the project is \$300,000.

The Farmington Park project will include demolition of existing tennis and basketball courts to be replaced with two new tennis courts and a basketball half court that are properly drained. The project is currently under design with the bidding process scheduled for early June, 2004 and completion of construction by late fall. Estimated cost of the project is \$100,000.

The Verona Street Park project will include demolition of existing tennis/basketball courts, construction of two basketball half-courts, and landscaping improvements with benches and trash receptacles. This project is under final design with bidding scheduled for summer 2004 and completion of construction by late fall 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-49

Ordinance No. 2004-112
(Int. No. 126)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$400,000 Bonds Of Said City To Finance The Cost Of The Fourth And Peck Park, Farmington Park And Verona Playground Improvement Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of improvements to Fourth and Peck Park, Farmington Park and Verona Playground within the City (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$400,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$400,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$400,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized,

which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$400,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.19(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper

of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1530
Re: Street Lighting Districts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the appropriations and assessments for energy and maintenance costs only, for six street lighting districts.

District	2004-05	2003-04
Wilson Boulevard 523.85	\$ 523.85	\$
Lyell Avenue I 2,105.41	2,105.41	
Lyell Avenue II 2,310.36	2,310.36	
Monroe I 1,379.20	1,379.20	
Monroe II 601.19	601.19	
Cascade Dr/Washington St 1,544.20	1,544.20	
Norton Street 1,306.09	1,306.09	
Lake Avenue 3,906.08	3,906.08	

The districts were established to enhance lighting levels for improved safety and/or aesthetic appearance. The costs of the original enhancements were financed by the University of Rochester (Wilson Boulevard), Community Development Block Grants funds (Lyell I & II), City funds (Monroe I & II) and federal funds (Cascade/Washington & Norton).

The proposed assessments represent the energy and maintenance costs or the amortization of capital costs of the original upgrades. They will be apportioned among the properties within the districts on the basis of front footage.

Public hearings are required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1530
(Int. No. 127)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment

districts for street lighting enhancements during 2004-05:

Street Lighting District	Amount	LIO
Wilson Boulevard	\$ 523.85	1374
Lyell Avenue I	2,105.41	1502
Lyell Avenue II	2,310.36	1503
Monroe Avenue I	1,379.20	1413
Monroe Avenue II	601.19	1412
Cascade Historic	1,544.20	1429
Norton Street Urban Renewal	1,306.09	1422
Lake Avenue	3,906.08	1472

Section 2. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1531 And
Local Improvement Ordinance No. 1532
Re: 2004-2005 Downtown Enhancement
District

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation:

1. Approving continuation of the Downtown Enhancement District; and
2. Approving the District budget for 2004-05 and apportioning the budget costs among the properties in the District.

The District was originally authorized by the City Council on May 16, 1989, reauthorized on May 10, 1994 and again on May 11, 1999. It is designed to provide an enhanced level of care and maintenance in the downtown area.

In general, the District includes:

1. All properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west; and
2. All other properties within 1,600 feet of Main Street that are included in the enclosed walkway system.

The District is administered by the Department of Environmental Services. An advisory committee of 13 representatives of property owners and tenants, oversees administration.

The annual costs of the special services provided within the District are restricted by formula - an amount equal to the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index - unless otherwise approved by the advisory committee. The costs are apportioned among the properties within the District using the following criteria:

50% is allocated based upon the assessed valuation of a property and 50% is allocated based upon its gross area. In addition, costs to properties directly on Main Street or with direct access to Main Street via the enclosed walkway system are weighted at twice those of all other properties. All parking lots and garages, regardless of location are included in the latter category.

Under the proposed legislation, the term of the District will be extended for an additional five-year period.

The maximum permissible budget for 2004-2005 based upon the fifteen-year cumulative increase in the CPI (51.9%) is \$607,600. The recommended budget is \$531,700, which is \$21,600 (4.2%) higher than the 2003-04 amount.

<u>Category of Expense</u>			
	<u>Proposed</u>	<u>2003-2004</u>	<u>Variance</u>
	<u>2004-2005</u>		
Salaries & Wages	\$360,100	\$349,900	\$10,200
Employee Benefits	85,300	56,000	29,300
Personal Services	445,400	405,900	39,500
Materials & Supplies	73,700	78,400	- 4,700
Contractual Services	32,600	33,400	- 800
Operational Expense	551,700	517,700	34,000
Less Operating Revenues	- 20,000	- 18,000	- 2,000
Required Assessments	531,700	499,700	32,000
Reserve for Uncollected Accounts	0	10,400	- 10,400
Total	\$531,700	\$510,100	\$21,600

The increase in the allocation for salaries and wages reflects a 2.8% negotiated wage settlement with Local 1635 of the American Federation of State, County and Municipal Employees. This wage settlement, along with the substantial increase in benefits, accounts for virtually all of the operating budget increase. A small portion of these increases is offset by a \$5,500 decrease in materials and contractual services. The reserve for uncollected accounts is eliminated due to a substantial District fund balance; a result of surpluses in previous fiscal years. The Enhancement District Committee approved the proposed budget by a vote of 5 to 0 on January 22, 2004.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1531
(Int. No. 128)

Continuation Of Local Improvement Ordinance No. 1291 Relating To The Main Street Enhancement District

WHEREAS, by Local Improvement Ordinance No. 1291, the City provided for the levying of lo-

cal improvement assessments to fund the cost of special work and services related to the Main Street improvements in the area known as the Main Street Enhancement District; and

WHEREAS, said Local Improvement Ordinance was extended for five years by Local Improvement Ordinances No. 1355 and 1444, and the Council desires to continue said Local Improvement Ordinance for an additional period of five years,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Local Improvement Ordinance No. 1291, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Main Street improvements in the area known as the Main Street Enhancement District, as extended by Local Improvement Ordinances No. 1355 and 1444, is hereby re-enacted for an additional period of five years, commencing on July 1, 2004.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

Local Improvement Ordinance No. 1532
(Int. No. 129)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services for the 2004-05 fiscal year for the Downtown Enhancement District is established at \$531,700. Said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355 and 1444 and at this meeting.

Section 2. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1533
Re: Local Improvement Ordinance -
Special Assessment Districts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will establish the 2004-05 budgets for the fol-

lowing special assessment districts:

<u>District</u>	2004-05	2003-04	Variance
Norton Street Urban Renewal	\$2,815.00	\$2,815.00	\$ 0.00
Cascade Historic	2,500.00	3,500.00	1,000.00

Norton Street

The Norton Street district was established by the Council on May 12, 1998, to finance the annual cost of maintenance of the enhancements that were included in the Norton Street Urban Renewal Project (14621 Industrial Park). These enhancements included special sidewalks, signage and landscaping.

The district includes nine properties. The cost of maintenance is apportioned among these properties based upon the front footage of the properties.

Cascade

The Cascade district was established by the Council on February 16, 1999, to finance the annual costs of maintenance of the special landscaping that was included in the Cascade Historic District Improvement Project. This landscaping included a berm on the north side of Cascade Drive and decorative tree grates and planters. In 2001, special benches and a clock were also installed in the district.

The district includes 29 properties. The cost of maintenance is apportioned among these properties based upon the front footage of the properties.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1533
(Int. No. 130)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for streetscape enhancements during 2004-05:

<u>Streetscape District</u>	<u>New Amount</u>	<u>Fund Balance</u>	<u>LIO</u>
Cascade Historic	\$2,500	\$1,000	1430
Norton Street Urban Renewal	2,815	—	1421

Section 2. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

By Councilmember Douglas
April 20, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 131 - Cancellation Of Taxes And Charges

Int. No. 132 - Authorizing An Application And Agreement With Respect To The TraCS Project And Amending The 2003-04 Budget

Int. No. 133 - Authorizing An Application And Agreement For The STOP Violence Against Women Program

Int. No. 134 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$733,000 Bonds Of Said City To Finance The Cost Of Upgrading The Computer System Of The Rochester Police Department

Int. No. 137 - Establishing Maximum Compensation For A Professional Services Agreement For Technical Assistance In The Development Of Civil Service Examinations

Int. No. 138 - Authorizing An Amendatory Agreement For A Pilot Drug Control Project, Appropriating Funds And Amending The 2003-04 Budget

Int. No. 139 - Authorizing Lease Agreements For Police Section Offices, As Amended

Respectfully submitted,
Brian F. Curran
Robert J. Stevenson
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-113
Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$52,972.79. A sum of \$50,037.79 or 94.45% of the total, is attributed to Special Franchise property that transferred to the State of New York prior to the levy of 2004 City/School taxes.

An amount of \$2,935.00 or 5.55% of the total, relates to two properties with code violation charges that were

levied in error or were attributed to a former owner.

If this cancellation is approved, total cancellations thus far for 2003-04 will be \$171,967.20.

	<u>Accounts</u>	<u>Amounts</u>
City Council	29	\$146,439.50
Administrative	99	25,527.70
Total	128	\$171,967.20

These cancellations represent .080% of the tax receivables as of July 1, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-50

Ordinance No. 2004-113
(Int. No. 131)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

(a) Municipal Code Violations levied in error or attributable to former owner.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount Canceled</u>
<u>Address</u>	<u>Tax Year</u>	
047.780-0001-033	H	\$ 1,900.00
240 River St.	2004	
091.680-0003-044	H	1,035.00
30 Jackson St.	2004	

Subtotal \$ 2,935.00

(b) Special Franchise property was acquired by New York State prior to the city/school tax levy. New York State is exempt from taxation upon date of acquisition.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount Canceled</u>
<u>Address</u>	<u>Tax Year</u>	
595.028-0000-000	NH	\$50,037.79
Special Franchise	2004	

Grand Total \$52,972.79

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.
TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-114
Re: Agreement for TraCS Electronic
Ticket and Accident Report Project
and Amending the 2003-04 Budget

R2010: Campaign 3 - Health, Safety

and Responsibility

Transmitted herewith for your approval is legislation:

1. Authorizing an agreement with the NYS Governor's Traffic Safety Committee (GTSC) for a TraCS - Electronic Ticket and Accident Report Project and acceptance of a grant of \$305,152; and
2. Amending the 2003-04 Budget by increasing the revenue estimates and expenditures in the cash capital allocation by \$305,200 to reflect receipt and use of the grant.

TraCS (Traffic and Criminal Software) is the computer application for New York's electronic traffic ticket and accident report project. Under this project, the Police Department will install computer equipment in marked patrol vehicles for use by uniformed officers to complete both electronic tickets and accident reports. Tickets can be produced using an on-board printer. This process will replace the current Uniform Traffic Summons and Motor Vehicle Accident forms.

Traffic arrest and accident report data will be captured using in-vehicle hardware and software. This data will upload onto a central Police Department computer for subsequent electronic transfer/download via secure communication network to a state TraCS computer database.

TraCS program software is provided at no cost to participating agencies. Grant funds must be used to purchase hardware items that meet State specifications. Fifty-two (52) Rochester Police Department vehicles currently are equipped with laptop computers. Grant funds will be used to acquire 42 additional portable computers, scanners, printers, and miscellaneous hardware to equip a total of 94 vehicles.

The project is anticipated to be completed by September 30, 2004. No Cash Match is required for the project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-51

Ordinance No. 2004-114
(Int. No. 132)

Authorizing An Application And Agreement With Respect To The TraCS Project And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Governor's Traffic Safety Committee for funding for the TraCS - Electronic Ticket and Accident Report Project.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$305,200, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Stevenson - 6.

Nays - Councilmember Norwood - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-115
Re: NYS DCJS Stop Violence Against Women Program

R2010: Campaign 3 - Health, Safety, and Responsibility

Transmitted for your approval is legislation authorizing an agreement between the City and the New York State Division of Criminal Justice Services (NYS/DCJS) for the Stop Violence Against Women program. The proposed agreement will permit the City to receive and use \$43,500 under the New York State Stop Violence Against Women (STOP VAWA) grant program, for the period July 13, 2004 through December 31, 2004. The award covers six months, reflecting DCJS's decision to align the grant period with the calendar year. The proposed award and a 26% match of \$11,310, are included in the 2004-2005 budget request of the Police Department.

The City is currently in the fourth year of funding under the VAWA Grant. The VAWA Grant has four main objectives:

1. Provide 200 victims of domestic violence with assistance to ensure their safety and provide 50 victims with necessary follow up services to secure safe housing.
2. Offer Advocacy and follow up services to domestic violence victims by contacting them prior to the arraignment of the perpetrator.
3. Ensure the continued safety of 200 domestic violence victims in high-risk targeted police patrol sections by providing intensive services to them.
4. Offer legal advocacy services and other appropriate assistance to 100 domestic violence victims who are identified by reviewing Domestic Violence Incident Reports in order to ensure their safety.

City Council authorized the current program on April 8, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-52

Ordinance No. 2004-115
(Int. No. 133)

Authorizing An Application And Agreement For The STOP Violence Against Women Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding for the STOP Violence Against Women Program.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-116
Re: Bond Ordinance - Police Information Systems

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$733,000 for the purchase of computer system hardware, software and related consultant services for the Rochester Police Department. These expenditures are included in the 2001-02 and 2002-03 Debt Authorization Plans and will partially fund Police Department hardware and software acquisitions in the current fiscal year and in 2004-2005.

The proposed use of bond funds for the Information Technology Upgrade Plan may be summarized as follows:

Network Migration from Windows NT4 to Microsoft Active Directory	\$120,000
Property Clerk Management System	40,000
Auto Pound Tracking Point-of-Sale System	35,000
Mobile Data Computing	208,000
Automated Reporting Systems	110,000
PACER Records Management System Improvements	140,000
311 Call Center - Customer Relations Management System	80,000
	<u>\$733,000</u>

During 2003-2004, the Police Department will spend \$75,000 for mobile data computing and 311 system software. The balance of \$658,000 will be spent during 2004-2005 to complete these projects and to undertake other projects that, due to changing technology, have been deferred from prior years. This bond request is in addition to the annual Cash Capital allocations of \$150,000 supporting regular life cycle network infrastructure replacements and upgrades. These cash capital expenditures total \$136,300 through March 23, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-53

Ordinance No. 2004-116

(Int. No. 134)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$733,000 Bonds Of Said City To Finance The Cost Of Upgrading The Computer System Of The Rochester Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of upgrading the Computer System of the Rochester Police Department in multiple locations within the City (the "Project"). The total estimated maximum cost of said specific object or purpose, described herein, including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be approximately \$733,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$733,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$733,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$733,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.25 of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the

issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-117
Re: Agreement - Nancy E. Abrams, Ph.D.,
Civil Service Exam Development

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Nancy E. Abrams, Ph.D., of Fairport, for the continued provision of technical assistance in the development of certain civil service examinations. The maximum cost of this assistance will be \$15,000, which will be financed from the 2003-2004 operating budget of the Bureau of Human Resource Management.

Dr. Abrams has provided similar services to the City since 1980. She has assisted in the development of civil service exams for job classes in most City departments, including entry level and promotional Police, Fire and Emergency Communications titles, specialty titles in the Library, and various titles in Law, Environmental Services, Finance, Community

Development, and Economic Development.

During this contract period, Dr. Abrams will assist in the development of civil service examinations, including a promotional examination for the Police Department, provide technical consultation and review of select test validation projects, and conduct staff training as needed on topics related to exam development, validation, and administration.

Dr. Abrams' fee will be \$875/day. A copy of her resume is available for review in the City Clerk's office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-117
(Int. No. 137)

Establishing Maximum Compensation For A Professional Services Agreement For Technical Assistance In The Development Of Civil Service Examinations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Nancy E. Abrams, Ph.D. for the continued provision of technical assistance in the development of Civil Service examinations. Said amount shall be funded from the 2003-04 Budget of the Bureau of Human Resource Management.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-118
Re: Appropriation of Funds for the
Anti-Drug Initiative and Amending
the 2003-04 Budget

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation that will:

1. Authorize the transfer of \$862,800 from 2003-04 Contingency to the 2003-04 Rochester Police Department Budget;
2. Appropriate \$237,500 from forfeited property revenues;
3. Reappropriate \$292,900 from 2002-03 Anti-Drug Initiative Funds;
4. Amend the 2003-04 Budget by increasing the revenue estimates and appropriations to the Police Department by \$1,307,800 and the Undistributed Expense Budget by \$85,400 reflecting the above amounts; and
5. Authorize an amendatory agreement, in an amount not to exceed \$56,000, with the President and Fellows of Harvard College for

consultant services relative to a pilot project to curtail illegal drug markets in neighborhoods.

The funding from the aforementioned sources will be used primarily to finance the cost of deploying Police Officers on overtime details in high drug and high violence areas in City neighborhoods and conducting research and related activities as recommended by the community Drug Summit held in Rochester in December 2001. The agreement with Harvard will continue a pilot project initiated in 2003, to curtail illegal drug markets. The source of funds will be \$50,000 from the Police Department budget, as amended, and \$6,000, previously appropriated by Council on November 18, 2003, from the Crime Control Trust Fund.

In addition to augmenting overtime details (\$200,000), a portion of the forfeited property funding will replace equipment for the Police Department's Emergency Task Force (\$30,000) and provide additional training for RPD employees (\$7,500). The undesignated balance available in the forfeiture fund before this transaction was \$398,602.

Contingency funds will cover unanticipated costs incurred by the Police Department during 2003-04, including the costs of towing an unusually high volume of vehicles to the Auto Pound during the winter.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-54

Ordinance No. 2004-118
(Int. No. 138)

Authorizing An Amendatory Agreement For A Pilot Drug Control Project, Appropriating Funds And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$56,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and the President and Fellows of Harvard College for a pilot project to control drug markets in City neighborhoods. Of said amount, \$50,000 shall be funded from the 2003-04 Budget of the Rochester Police Department and \$6,000 shall be funded from the appropriation made in Ordinance No. 2003-391.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates, to the extent of the appropriation of seized and forfeited assets and the reappropriation of 2002-03 Anti-Drug Initiative Funds herein, and increasing the appropriations to the Rochester Police Department by the sum of \$1,307,800 and to Undistributed Expense by the sum of \$85,400. In order to fund said amounts, the sum of \$862,800 is hereby transferred from the Contingency Account, \$237,500 is hereby appropriated from funds realized from seized and forfeited assets and \$292,900 is hereby reappropriated from 2002-03 Anti-Drug Initiative Funds.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-119
Re: Lease Agreements - Police Patrol Sections

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing lease agreements for Police patrol section offices. The leases will provide interim offices to enable consolidation of the existing seven patrol sections into one West-Side and one East-Side location, pending acquisition or construction of two permanent facilities.

West-Side - This agreement is between the City and Rochester Colonial Manufacturing Corporation for office space at Water Tower Park, 1099 Jay Street. The four West-Side police sections - Lake, Maple, Genesee, and Downtown - will be combined to use this space as their headquarters.

The police will lease approximately 21,221 square feet of office space. The term of the lease will be three years, beginning after the renovations to the space have been completed. There will be five 1-year renewal options available to the City. The total cost of renovations will not exceed \$40,000 and may be paid over a period of eight years. Should the City decide not to exercise any renewal options the unpaid balance for the renovations would be paid to the landlord.

The annual rental cost will be \$127,326, representing a \$6.00 per square foot base lease amount. The City would also be responsible for paying for utilities (gas and electric) and trash removal. If the City exercises any renewal options, the base lease amount would be adjusted by any increase in the Consumer Price Index (CPI) over the previous lease period.

East-Side - This agreement is between the City and Mayzon Corporation for office space at 30 Hart Street. The three East-Side police sections - Clinton, Goodman, and Highland - will be combined to use this space as their headquarters.

The police will lease approximately 19,300 square feet of office space. The term of the lease will be two years, beginning after the renovations to the space have been completed, with three 1-year renewal options available to the City. The total cost of renovations will not exceed \$70,500 and may be paid over a period of five years. Should the City decide not to exercise any renewal options the unpaid balance for the renovations would be paid to the landlord.

The annual rental cost will be \$144,750, representing a \$7.50 per square foot base lease amount. The City would also be responsible for utilities (gas and electric) and trash removal. If the City exercises any renewal options, the base lease amount would be adjusted by any increase in the Consumer Price Index (CPI) over the previous lease period.

The costs of both leases will be funded through the annual budgets of the Rochester Police Department. Independent Real Estate Appraiser, Robert G. Pogel, has reviewed the rental terms of these leases and determined that the rental amounts are within market range for office space of this kind.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilman Douglas moved to amend Introductory No. 139.

The motion was seconded by Councilmember Curran.

The motion was adopted unanimously.

Ordinance No. 2004-119
(Int. No. 139, As Amended)

Authorizing Lease Agreements For Police Section Offices

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester Colonial Manufacturing Corporation for the lease of approximately 21,221 feet of office space at Water Tower Park, 1099 Jay Street to be used for the West Side Police Section Office. The agreement shall extend for a term of three years, with five additional one-year renewal options.

Section 2. The lease agreement shall obligate the City to pay an annual amount not to exceed \$127,326 in rent. The City shall also be obligated to pay renovation costs not to exceed \$40,000, which may be paid over a term of eight years or paid up front. Should the City decide not to exercise any of the renewal options, any unpaid balance for the renovations shall be due. The City shall also be responsible for paying for utilities (gas & electric) and trash removal. If the City exercises any renewal options, the base lease amount shall be adjusted by any increase in the Consumer Price Index (CPI) over the previous lease period. Said amounts shall be funded from the Operating Budgets of the Rochester Police Department.

Section 3. The Mayor is hereby further authorized to enter into an agreement with [Mayzon] Landsman Development Corporation for the lease approximately 19,300 feet of office space at 30 Hart Street to be used for the East Side Police Section Office. The agreement shall extend for a term of two years, with [three] six additional [one-year] six-month renewal options.

Section 4. The lease agreement shall obligate the City to pay an annual amount not to exceed \$144,750 in rent. The City shall also be obligated to pay renovation costs not to exceed \$70,500, which may be paid over a term of five years or paid up front. Should the City decide not to exercise any of the renewal options, any unpaid balance for the renovations shall be due. The City shall also be responsible for paying for utilities (gas & electric) and trash removal. If the City exercises any renewal options, the base lease amount shall be adjusted by any increase in the Consumer Price Index (CPI) over the previous lease period. Said amounts shall be funded from the Operating Budgets of the Rochester Police Department.

Section 5. The lease agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

The meeting was adjourned at 8:50 P.M.

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
MAY 18, 2004

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirements

NET

*Charles LaGaipa

*Carl M. Williamson, Jr.

RFD

*Richard S. Bellomio

RPD

*Louis E. Wilson

*Not attending meeting.

APPROVAL OF THE MINUTES

By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of April 20, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3768-7

Quarterly Report. 3769-7

Public Auction - June 24, 2004. 3770-7

Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3771-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS

Pursuant to law, public hearing will now be had on the following matter:

Approving The Acquisition Of Parcels For The Project Turnaround Challenged Street Program By Negotiation Or Condemnation Int. No. 142 One speaker: Rod Cox-Cooper.

Continuation Of Local Improvement Ordinance No. 1357 Relating To The Culver/Merchants Commercial Parking Lot Int. No. 147 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 148 No speakers.

Approving The Consolidated Community Development Plan/2004-05 Annual Action Plan Int. No. 149 One speaker: Ruhi Maker.

Authorizing Submission Of The Consolidated Community Development Plan/2004-05 Annual Action Plan And Execution Of The Grant Agreement With The United States Department Of Housing And Urban Development Int. No. 150 No speakers.

Approving The Lease By the Rochester Urban Renewal Agency To Thyroff & Thyroff, LLC Of The Manhattan Square Tennis Bubble & Facility Int. No. 158 No speakers.

Approving A Change In Traffic Flow And A Decrease In The Pavement Width Of Birch Crescent Int. No. 159 No speakers.

Approving A Change In Traffic Flow On Lind Street From One-Way Westbound To One-Way Eastbound Int. No. 161 No speakers.

Approving A Decrease In The Pavement Width Of Fernwood Park Int. No. 162 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
May 18, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 140 - Amending Ordinance No. 2004-41 Relating To The Sale Of Real Estate

Int. No. 141 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 143 - Authorizing A Lease Agreement With Joseph D. DeGeorge For The Continued Lease Of Space For The Area E NET Office

Int. No. 144 - Authorizing Agreements And Appropriating Funds For The Rehab Rochester Program

Int. No. 145 - Resolution Approving Appointments To The Board Of Stationary Engineers And Refrigeration Operators

Int. No. 146 - Authorizing An Application And Agreements Relating To The Emergency Shelter Grant

Program And Amending Ordinance No. 2003-124

Int. No. 171 - Authorizing A Grant To Loan Agreement For The Hickey Freeman Renovation Project

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 142 - Approving The Acquisition Of Parcels For The Project Turnaround Challenged Street Program By Negotiation Or Condemnation

Int. No. 147 - Continuation Of Local Improvement Ordinance No. 1357 Relating To The Culver/Merchants Commercial Parking Lot

Int. No. 148 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

Int. No. 149 - Approving The Consolidated Community Development Plan/2004-05 Annual Action Plan

Int. No. 150 - Authorizing Submission Of The Consolidated Community Development Plan/2004-05 Annual Action Plan And Execution Of The Grant Agreement With The United States Department Of Housing And Urban Development

Int. No. 151 - Appropriation Of Funds For The City Development Fund

The following entitled legislation is being held in committee:

Int. No. 141A - Authorizing The Sale Of Real Estate

Int. No. 166 - Amending Chapter 90 Of The Municipal Code With Respect To Business Certificates of Use

Respectfully submitted,
Wade S. Norwood
Adam C. McFadden
William F. Pritchard
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-120,
Ordinance No. 2004-121, And
Introductory No. 141A
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of six properties and amending a prior ordinance relating to the sale of property. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales

The first property is a vacant lot that was sold through a Request for Proposal Sale. The property will be developed as a parking lot to be utilized in conjunction with the purchaser's adjoining property.

The next property is a mixed-use structure that was sold through a Request for Proposal Sale. The structure will be rehabilitated as two stores and three apartments.

The next property is a vacant lot that is being sold to Flower City Habitat for Humanity. The lot will accommodate the construction of a single family structure that will subsequently be sold to a low/moderate income household.

The next property is a vacant lot that was sold at public auction. The parcel will be developed as a playground area for the Charter School of Science and Technology.

The last two properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

Amendment

City Council approved the sale of 104 Hortense Street to Veronica Menduehall, pursuant to Council Ordinance #2004-41 (February 24, 2004). The Division of Real Estate is requesting that the ordinance be amended to authorize the sale of 100-104 Hortense Street, to Veronica Menduehall. The property located at 100 Hortense Street is an unbuildable vacant lot that was acquired after the sale of 104 Hortense Street. If the acquisition had been completed prior to the sale, the two parcels would have been combined and offered as one parcel.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-55

Ordinance No. 2004-120
(Int. No. 140)

Amending Ordinance No. 2004-41 Relating To The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-41, relating to the sale of real estate, as amended, is hereby further amended by authorizing the sale of 100-104 Hortense Street, SBL #120.42-1-3&2, to Veronica Menduehall, instead of 104 Hortense Street, as approved in Section 1.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-121
(Int. No. 141, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of vacant land by request for proposal sale:

Address: 246 Ormond St.
S.B.L.#: 106.64-1-61
Price: \$33,000
Purchaser: Michael Hertzberg

[Section 2. The Council hereby further approves the sale of the following parcel of improved property by request for proposal sale:

Address: 70-74 Thurston Rd.
S.B.L.#: 120.64-2-86.1
Price: \$34,000
Purchaser: First Sergeant Property, Inc.*

*Officers: Rodney Reliford; Paul Hill; Rickey VanAlystyne; Larry Sutton; Ray Whitfield]

Section [3] 2. The Council hereby further approves the negotiated sale of the following parcel of vacant land with proposal:

Address: 159 Fulton Av.
S.B.L.#: 105.43-1-31
Price: \$475
Purchaser: Flower City Habitat for Humanity*

*Officers: Kevin Prinzing; Dick Sprenkle; Elizabeth Stewart; Peter Price; Arthur Woodward

Section [4] 3. The Council hereby further approves the sale of the following parcel of vacant land with proposal by regular auction:

Address: 194 Martin St.
S.B.L.#: 106.46-3-41.1
Price: \$50
Purchaser: Stephen Gullace

Section [5] 4. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	Sq. Ft.
S.B.L.#	Purchaser
EH 253 Adams St.	1790±
Pt of 120.52-2-41	Aminah K. McCullough
WH 253 Adams St.	1790±
Pt of 120.52-2-41	Robert Farley

Section [6] 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section [7] 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory No. 141A

AUTHORIZING THE SALE OF REAL ESTATE

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of improved property by request for proposal sale:

Address: 70-74 Thurston Rd.
S.B.L.#: 120.64-2-86.1
Price: \$34,000
Purchaser: First Sergeant Property, Inc.*

*Officers: Rodney Reliford; Paul Hill; Rickey VanAlystyne; Larry Sutton; Ray Whitfield

Section 2. City taxes and other City charges, except water charges, against said property are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said property free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Item held in committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-122
Re: Lease - 212 Webster Avenue,
NET Area E Office

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the continuance of a lease agreement between the City of Rochester and Joseph D. DeGeorge for office space at 212 Webster Avenue. The space has been occupied by Area E NET staff for the previous seven years. The new lease will be for a term of one year at an annual rental rate of \$12,300. There will also be one renewal option available for an additional one year term at the same rental amount.

Independent Real Estate Appraiser, Robert G. Pogel, SRPA, has reviewed the lease and is of the opinion that the rental amount is reflective of the market for this property.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-122
(Int. No. 143)

Authorizing A Lease Agreement With Joseph D. DeGeorge For The Continued Lease Of Space For The Area E NET Office

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Joseph D. DeGeorge for the continued lease of space at 212 Webster Avenue to be used for the Area E NET Office. The agreement shall

extend for a term of one year with one additional one year renewal option.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$12,300 in annual rent. Said amount shall be funded from the NET Operating Budget.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Mains - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-123
Re: Rehab Rochester Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Rehab Rochester Program. This legislation will:

1. Authorize the receipt and use of a \$300,000 grant from the New York State Affordable Housing Corporation (AHC); and
2. Authorize an agreement with the AHC and any other agreements necessary for implementation of the program.

The Rehab Rochester Program provides grants to income-eligible households for the rehabilitation of owner-occupied, single-family houses. Households with incomes not exceeding 60% of the median family income (MFI) will be eligible to participate. The AHC requires the following residency periods for participants in the program: 1) two years if the AHC funds are less than or equal to \$5,000, 2) five years if more than \$5,000 and less than or equal to \$10,000, and 3) 114 months if more than \$10,000.

The proposed appropriation will provide grants of up to \$25,000 for the rehabilitation of up to twenty-four (24) structures. The AHC award will be matched with \$300,000 from an existing Rehab Rochester appropriation which was approved by Council on October 15, 2002.

The AHC awarded these funds at its April 1, 2004 Board meeting. The AHC had recently awarded funds in the same amount, \$300,000, at its February 5, 2004 Board meeting for the Rehab Rochester Program; this brings the total amount of AHC funds awarded this year to the City for this program to \$600,000. City Council passed legislation authorizing the receipt of the latter AHC award on April 20, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-123

(Int. No. 144)

Authorizing Agreements And Appropriating Funds For The Rehab Rochester Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Affordable Housing Corporation for funding for the Rehab Rochester Program.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$300,000, or so much thereof as may be necessary, to fund the Rehab Rochester Program.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Rehab Rochester Program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-13
Re: Appointments - Board of Stationary Engineers and Refrigeration Operators

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment or reappointment of the following people to the Board of Stationary Engineers and Refrigeration Operators.

Appointment:

Anthony E. Martin
19 Sugarmills Circle
Fairport, NY 14450

Reappointments:

William H. Carey 1220 Middle Road Rush, NY 14543	Bernard Metzger 343 Reef Point Circle Webster, NY 14580
--	---

Frederick Jentons 1270 Crittenden Road Rochester, NY 14620	Perry Moyd 876 Marshall Road Rochester, NY 14624
--	--

Mr. Martin holds a Chief Stationary Engineer license and a Grade R-4 Refrigeration Operator for the City of Rochester. Mr. Martin also holds a Chief's License from the National Institute for Uniform Licensing of Power Engineers as well as the City of Buffalo. He was president of the National Association of Power Engineers for three years. A copy of Mr. Martin's resume is available in the Bureau of Buildings and Zoning. Mr. Martin's term will extend through May 31, 2007.

Mr. Carey's last appointment was confirmed by the City Council on November 14, 2000. He has attended 12 of 13 meetings in the past year. Mr. Carey's term will extend through May 31, 2005.

Mr. Metzger's last appointment was confirmed by the City Council on November 14, 2000. He has 100% attendance for the past year. Mr. Metzger's term will extend through May 31, 2005.

Mr. Jenton's initial appointment was confirmed by City Council on October 14, 1997. His attendance for the past year has been 100%. Mr. Jenton's term will extend through May 31, 2006

Mr. Moyd's last appointment was confirmed by the City Council on November 14, 2000. He has 100% attendance for the past year. Mr. Moyd's term will extend through May 31, 2006.

Resumes for all of these individuals are on file in the City Clerk's office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-13
(Int. No. 145)

Resolution Approving Appointments To The Board Of Stationary Engineers And Refrigeration Operators

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of the following individual to the Board of Stationary Engineers and Refrigeration Operators for a term which shall expire on May 31, 2007:

Anthony E. Martin
19 Sugarmills Circle
Fairport, New York 14450

Section 2. The Council hereby approves the reappointment of the following individuals to the Board of Stationary Engineers and Refrigeration Operators for terms which shall expire as follows:

William H. Carey
1220 Middle Road
Rush, New York 14543
Term expires May 31, 2005

Bernard Metzger
343 Reef Point Circle
Webster, New York 14580
Term expires May 31, 2005

Frederick Jentons
1270 Crittenden Road
Rochester, New York 14620
Term expires May 31, 2006

Perry Moyd
876 Marshall Road
Rochester, New York 14624
Term expires May 31, 2006

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Curran,

Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Mains - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-124
Re: Agreements and Appropriations -
Emergency Shelter Grant Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation relating to the 2004-05 Emergency Shelter Grant (ESG) Program. This legislation will:

1. Authorize an agreement with the U.S. Department of Housing and Urban Development for funding under the Emergency Shelter Grant Program in the amount of \$431,454;
2. Authorize agreements with community organizations for thirty four projects under the ESG Program totaling \$417,047;
3. Appropriate the sum of \$21,572 or so much thereof as may be necessary from ESG funds, to pay for administrative expenses; and
4. Amend the 2003-04 ESG Program Budget by the sum of \$7,165 in order to provide supplemental funds for the 2004-05 ESG programs.

Organization	Prior Allocation	Proposed Allocation	Purpose
Alternatives for Battered Women	\$25,000	\$23,000	Oper. Ex., Ess. Svcs.
Baden St. Settlement	11,000	10,000	Homeless Prevention
Blessed Sacrament	14,000	12,692	Oper. Ex., Ess. Svcs. Homeless Prevention
Cameron Community Ministries	5,500	5,500	Operating Expenses
Catherine McAuley Housing/Families First	14,000	14,000	Operating Expenses
Catherine McAuley Housing/Melita House	17,000	13,000	Operating Expenses
Catholic Charities	12,500	12,500	Homeless Prevention
Catholic Family Center/Francis Center	18,000	18,000	Operating Expenses
Catholic Family Center/Women's Place	30,000	30,000	Oper. Exp., Ess. Svcs.
Catholic Family Cntr/Emergency Services	12,500	12,500	Homeless Prevention
Catholic Family Center/Sanctuary House	14,000	10,000	Essential Services
The Center for Youth	18,000	16,000	Oper. Ex., Ess. Svcs.
The Center for Youth/Transitional Housing	n/a	6,000	Essential Services
The Community Place	12,000	12,000	Homeless Prevention
Cephas Attica	3,000	9,000	Operating Expenses
Dimitri House	18,000	18,000	Operating Expenses
Grace Urban Ministries/Mary Magdalene			

Women's Outreach	15,927	14,000	Oper. Ex., Ess. Svcs.
Hillside Children's Center	8,200	7,000	Oper. Ex., Hmls
Prev.			
Housing Council/Homeless Prevention Program	7,000	7,000	Homeless Prevention
Housing Council/School 17 Project	20,223	20,270	Homeless Prevention
Marantha Missionary Baptist Church/Enriche House	n/a	6,000	Homeless Prevention
Oxford House	5,000	4,000	Operating Expenses
RAIHN (Rochester Area Interfaith Hospitality Network)	n/a	6,000	Essential Services
Salvation Army	19,000	22,000	Essential services
Spiritus Christi/Jennifer House	11,000	10,000	Oper. Ex., Ess. Svcs.
St. Martins Place	8,985	8,985	Operating Expenses
Sojourner House	23,000	23,000	Operating Expenses
Southeast Ecumenical Ministry	2,000	2,000	Essential Services
Togetherness in Love Community	7,000	7,000	Operating Expenses
Veteran's Outreach Center	17,000	17,000	Essential Services
Volunteers of America Homeless Prevention Center	10,000	10,000	Homeless Prevention
Volunteers of America Emergency Housing	8,000	8,000	Operating Expenses
Wilson Commencement Park	22,000	17,600	Operating Expenses
YWCA	5,000	5,000	Operating Expenses

In January 2004, a Request for Proposals was released to solicit program proposals from individuals and organizations. Thirty-one proposals were received from twenty-six organizations for continuation of 2003-04 ESG projects, for an amount totaling \$394,400. An additional six proposals for new projects were received. These proposals were evaluated by the Emergency Shelter Grant Proposal Review Team composed of staff from the Bureau of Human Services and community representatives. The evaluation criteria included:

1. Compliance with applicable federal guidelines;
2. Provision by the program of facilities or services to under-served populations;
3. Provision of services that meet priority needs identified in the RFP, the Center for Government Research's 1995 Homeless Population Study Update, the Consolidated Community Development Plan; and Rochester 2010;
4. The ability to expend or encumber all project funds within 12 months; and
5. Monitoring evaluation of current ESG projects.

Some of the 2004-05 ESG projects will be receiving less funding than they did in 2003-04. This is due to a surplus from an allocated but unappropriated amount of funds during 2002-03. Those funds were

then distributed to the 2003-04 projects as a one-time increase. This surplus is not available in 2004-05 and therefore those projects are brought back to their original amount.

The most recent Council action for Emergency Shelter Grant projects was approved on May 13, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-124
(Int. No. 146)

Authorizing An Application And Agreements Relating To The Emergency Shelter Grant Program And Amending Ordinance No. 2003-124

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Housing and Urban Development for funding under the Emergency Shelter Grant Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Emergency Shelter Grant Program:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women	\$23,000
Baden Street Settlement	10,000
Blessed Sacrament	12,692
Cameron Community Ministries	5,500
Catherine McAuley Housing/Families First	14,000
Catherine McAuley Housing/Melita House	13,000
Catholic Charities	12,500
Catholic Family Center/Francis Center	18,000
Catholic Family Center/Women's Place	30,000
Catholic Family Center/Emergency Services	12,500
Catholic Family Center/Sanctuary House	10,000
The Center for Youth	16,000
The Center for Youth/Transitional Housing	6,000
The Community Place	12,000
Cephas Attica	9,000
Dimitri House	18,000
Grace Urban Ministries/Mary Magdalene Women's Outreach	14,000
Hillside Children's Center	7,000
Housing Council/Homeless Prevention Program	7,000
Housing Council/School 17 Project	20,270
Marantha Missionary Baptist Church/Enriche House	6,000
Oxford House	4,000
RAIHN (Rochester Area Interfaith Hospitality Network)	6,000
Salvation Army	22,000
Spiritus Christi/Jennifer House	10,000
St. Martins Place	8,985
Sojourner House	23,000
Southeast Ecumenical Ministry	2,000
Togetherness in Love Community	7,000
Veteran's Outreach Center	17,000
Volunteers of America Homeless	

Prevention Center	10,000
Volunteers of America Emergency Housing	8,000
Wilson Commencement Park	17,600
YWCA	5,000

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$417,047, and said amount, and \$21,572 for administrative expenses, or so much thereof as may be necessary, is hereby appropriated from Emergency Shelter Grant Funds.

Section 4. Ordinance No. 2003-124, relating to the Emergency Shelter Grant Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$7,165, which amount is reappropriated herein. The Mayor is authorized to enter into any necessary amendatory agreements to implement this reduction.

Section 5. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-125
Re: Hickey Freeman

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$350,000 from the Urban Renewal Trust Fund and authorizing a grant-to-loan agreement in that amount with Hickey Freeman to finance renovations to their existing facility. The City's loan is part of a larger \$7 million expansion and renovation project that has been developed to ensure that Hickey Freeman can remain in its facility on North Clinton Avenue. The estimated sources and uses of funds for the project are:

Sources

City Urban Renewal Grant-to-Loan	\$ 350,000
City CDBG Industrial Grant-to-Loan	850,000
New York State, shared equally by:	3,800,000
ESDC	
NYS Assembly	
NYS Senate	
Hickey Freeman Equity	<u>2,000,000</u>
	\$7,000,000

Uses

Renovations/HVAC	\$5,630,000
Parking Lot	119,000
Elevator Upgrades	384,000
GC and A&E Costs	532,000
Construction Fee	<u>335,000</u>
	\$7,000,000

Hickey Freeman currently employs 620 people. The grant requires that Hickey Freeman maintain at least 550 jobs at the current location for a period of eight years. The City's grant will be converted to a loan if the total number of employees at the North Clinton facility falls below 550. The \$850,000 in CDBG

Industrial program funds will also be subject to the same grant-to-loan terms.

Thus, in the event that Hickey Freeman fails to maintain 550 jobs, the balance of \$1.2 million in grants will be converted to a loan on which they will be obligated to make principal and interest payments in accordance with the remaining term of an eight-year 3% amortization schedule. The actual principal and interest payment due will be calculated by multiplying the scheduled payment by the percentage of the actual shortage of jobs in relation to the 550 job threshold requirement.

If Hickey Freeman should relocate out of the City of Rochester, the entire remaining grant will become a loan and the outstanding principal balance will become due and payable immediately.

The project will result in the retention of at least 550 jobs at the North Clinton facility for a minimum of eight years. The renovations will improve the company's ability to compete in a competitive global marketplace. The project is expected to commence immediately and be completed by July 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-125
(Int. No. 171)

Authorizing A Grant To Loan Agreement For The Hickey Freeman Renovation Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a grant to loan agreement with Hickey Freeman for the renovation of their facility on North Clinton Avenue. The grant to loan shall be amortized over a term of eight years, at 3% interest. Hickey Freeman shall be credited monthly in an amount equal to their monthly principal and interest payments for so long as Hickey Freeman maintains a minimum of 550 jobs at their North Clinton Avenue facility. If Hickey Freeman should move out of the City, the remaining balance on the grant shall become a loan and shall be immediately due and payable to the City. If 550 jobs are not maintained at the North Clinton Avenue facility, a portion of the grant based on the actual shortage of jobs in proportion to the 550 job requirement shall be converted into a loan, and that portion of the monthly principal and interest payments shall be due and payable to the City.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$350,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Urban Renewal Trust Fund.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 142
 Re: Acquisitions - Project Turnaround

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation or condemnation of three (3) properties as part of the Project Turnaround Challenged Street Project. Pertinent information regarding the properties is as follows:

Property Address	Owner	Type	Acquisition Amount
87 Maria Street	Daisy Hughes	1 Family	\$ 7,500
53 Loomis Street	Frank W. Reed	1 Family	8,500
119 Thomas Street	Stanley Heard	1 Family	2,000
Total			\$18,000

The acquisition amounts were established through independent appraisals prepared by Robert G. Pogel, SRPA, and Kevin Bruckner, MAI. All of the properties are vacant; therefore, no relocation estimates are required. A total cost of \$67,000 is requested to cover the acquisition, demolition and closing costs for these parcels.

This project is part of the 2002-2003 Capital Improvement Program and will be funded through the Cash Capital Challenged Streets Allocation.

A public hearing is required.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Councilmember Norwood moved to have Introductory No. 142 returned to committee.

The motion was seconded by Councilmember Douglas.

The motion was adopted unanimously.

Introductory No. 142

APPROVING THE ACQUISITION OF PARCELS FOR THE PROJECT TURNAROUND CHALLENGED STREET PROGRAM BY NEGOTIATION OR CONDEMNATION

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcels from the current owners for maximum amounts not to exceed the following as a part of the Project Turnaround Challenged Street Program:

Property Address	SBL #	Maximum Acquisition Amount
Reputed Owner	Type	
87 Maria Street	106.23-3-54	\$ 7,500
Daisy Hughes	1 Family	
53 Loomis Street	106.23-3-50	8,500
Frank W. Reed	1 Family	

119 Thomas Street	106.24-2-65	2,000
Stanley Heard	1 Family	
Total		\$18,000

Section 2. The acquisition, demolition and closing costs shall obligate the City to pay an amount not to exceed \$67,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital Allocation.

Section 3. City taxes and other current year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. In the event that any or all of said parcels cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels.

Section 5. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL
 Ladies and Gentlemen:

Local Improvement Ordinance No. 1534
 Re: Continuation of the Commercial Off-Street Parking Lot - Culver/Merchants and Authorization of a Lease Agreement

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation relating to the Culver/Merchants Commercial Off Street Parking Lot. This legislation will:

1. Authorize the continuation of the assessment district for the parking lots at Culver and Merchants Roads; and
2. Authorize an agreement for the continued lease of land on which one parking lot is located.

On May 10, 1994 City Council authorized the continuation of the Culver/Merchants Special Assessment District Commercial Off Street Parking Lot for a period of ten years. The following parcels make up the special assessment district:

1392-1396 Culver Rd.	1378-1388 Culver Road
1374 Culver Road	914 Merchants Road
920 Merchants Road	1416 Culver Road
1207-1219 Bay Street	1385 Culver Road
1375 Culver Road	1365 Culver Road
1364 Culver Road	883-887 Merchants Road
877-881 Merchants Rd.	873 Merchants Road
1352-1356 Culver Road	1348-1350 Culver Road
1336-1346 Culver Road	1332 Culver Road
1328 Culver Road	1322 Culver Road

The annual operating and maintenance costs of the Culver/Merchants parking lot shall be apportioned among the district properties in proportion to each

property's "Parking Space Requirement", based on its use at the beginning of that fiscal year. "Parking Space Requirement" is defined as the number of off-street parking spaces required for a property under the City's zoning ordinance, minus any parking spaces presently existing for the property.

The apportioned cost of operation and maintenance will be billed annually on the regular tax bill for each property as a special assessment. The assessment shall be determined each year by a separate local improvement ordinance.

The merchants benefiting from the parking lot assessment will enter into annual agreements with a provider of their choice for the maintenance and operation of the parking lot.

This legislation will also authorize a lease agreement with Bronze Properties for the lease of 902-914 Merchants Road for the Culver/Merchants Neighborhood Commercial Parking Lot. The lease agreement shall be for a period of five years, with an option to renew for an additional five years. The \$20,400 annual rent is an increase of \$600 over last year's amount. Should the City exercise its option to renew, the rent shall be adjusted to reflect increases in the Consumer Price Index during the initial term.

The lease agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1534
(Int. No. 147)

Continuation Of Local Improvement Ordinance No. 1357 Relating To The Culver/Merchants Commercial Parking Lot

WHEREAS, by Local Improvement Ordinance No. 1357, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Culver/Merchants Commercial Parking Lot; and

WHEREAS, the Council desires to continue said Local Improvement Ordinance for an additional period of ten years,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Local Improvement Ordinance No. 1357, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Culver/Merchants Commercial Parking Lot, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2004. The Mayor is hereby further authorized to enter into a lease agreement with Bronze Properties for the continued lease of 902-914 Merchants Road for the Culver/Merchants Commercial Parking Lot. The agreement shall extend for a term of five years, with an option to renew for an additional five years. The rent for the initial term shall be \$20,400 annually. If the lease is renewed, the rent for the renewal term shall be adjusted to reflect increases in the consumer price index during the initial term.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1535
Re: Assessments and Appropriations,
Special Assessment District Parking Lots

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving assessments and appropriating a total of \$62,878 for the operation and maintenance of eight neighborhood commercial and/or residential parking areas for 2004-05.

Special Assessment Districts for seven of these areas were established by City Council Resolutions in 1979. The Woodside/Goodwill Commercial Off-Street Parking Lot was authorized through a Local Improvement Ordinance on April 8, 2003. Under the provisions of those resolutions, the annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the costs of snow plowing, cleaning, landscape maintenance, lighting and parking regulation enforcement. These services are provided either by City personnel, by private companies under contract to the City, or by the property owners themselves.

The assessments required and the total appropriations available for 2004-05 and any balances remaining from the assessments of prior years are as follows:

Parking Lot Assessments - July 1, 2004	
\$62,878.00	
Unused Assessment - Prior Years	-
<u>10,606.26</u>	
Total	
\$73,484.26	

There are two districts for which no assessments are imposed for 2004-05. For the Wadsworth Square Assessment District, the parking area is leased to Ralph Parking, Inc. and under the term of the lease agreement, Ralph Parking provides necessary maintenance, operation, and parking privileges at no charge to assessment district residents. Similarly, no assessments will be imposed for 2004-05 upon the properties included in the South Avenue Assessment District since there is a balance sufficient to cover the upcoming year. Any unused assessments from prior years for the Wadsworth Square Assessment District will be applied toward future capital improvement expenditures associated with this parking lot.

A breakdown of the Special Assessment District Charges is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-56

Local Improvement Ordinance No. 1535
(Int. No. 148)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the local improvement ordinances, and said new assessments are hereby appropriated from the Care and Embellishment Fund for the operation and maintenance of parking areas and neighborhood commercial or residential parking lots during 2004-05:

Parking Area	LIO		
	New Assessments	Unused Assessments From Prior Years	Total Amount
Culver/Merchants			Pending
\$29,700.00	\$ - 0-		
\$29,700.00			
Monroe Avenue			1441
12,750.00	750.00		
13,500.00			
Parker Place			1489
2,600.00	400.00		
3,000.00			
South Avenue			1468
- 0-	1,650.00		
1,650.00			
Wadsworth Square			1416
- 0-	2,434.26		
2,434.26			
North Street			1258
7,000.00	- 0-		
7,000.00			
Lyell Avenue			1382
7,200.00	- 0-		
7,200.00			
Woodside/Goodwill			1517
3,628.00	5,372.00		
9,000.00			

Section 2. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-126, 2004-127, And 2004-128
Re: Consolidated Community Development Plan/2004-05 - Draft Annual Action Plan
Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Plan/2004-05 Draft Annual Action Plan. The legislation will:

1. Approve the 2004-05 Draft Annual Action Plan;
2. Authorize the submission of the plan to the U.S. Department of Housing and Urban Development and the execution of any grant agreements; and
3. Approve the appropriation and the use of Urban Development Action Grant principal and interest repayments projected to be received during the 2004-05 program year.

In 1995, the Consolidated Community Development Plan replaced all U.S. Department of Housing and Urban Development planning and application requirements for HUD's formula grant programs, including the Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant Program and the Housing Opportunities for Persons with AIDS. Under the revised requirements, jurisdictions prepare multi-year strategies and one-year action plans for use of federal funds.

The City prepared a Consolidated Plan in 2000. The plan contains a community profile, housing market analysis, housing and homeless needs assessment, a housing market analysis, a 3-year strategic plan and an annual action plan.

The United States Department of Housing and Urban Development (HUD) has acknowledged that 2000 Census data relevant to the Consolidated Plan was not available to the City in 2002-03. As a result, it was recommended that the current three-year plan be extended for two more years. The 2004-05 Plan will contain the fifth year action plan.

The action plan is based on the extended Consolidated Community Development Program. It covers the period from July 1, 2004 to June 30, 2005. The plan describes federal and other resources expected to be available during this period and specific projects and activities the City will undertake.

The plan is designed to build upon the progress made in prior years. In 1994, the City, in partnership with a variety of neighborhood associations, began a neighborhood planning effort known as "Neighbors Building Neighborhoods" (N.B.N.). This process involved the preparation of strategic plans and action steps for 10 planning sectors. Further, in April 1999, the City adopted its comprehensive plan, "Rochester 2010: The Renaissance Plan". This plan drives and informs all decisions regarding city priorities and funding.

The amount of revenue available to address the priority needs and specific strategies identified in the Consolidated Community Development Program is estimated to be \$19,950,589. Of this amount, \$13,707,000 is available from the Community Development Block Grant, \$4,115,135 is available from the HOME Program, \$431,454 is available from the Emergency Shelter Grant and \$597,000 from the Housing Opportunities for Persons with AIDS Program. An additional \$1,100,000 in Urban Development Action Grant loan and interest repayments are available for the City Development Fund.

Under the plan, these funds are provided for activities that address the following objectives:

Objective	Amount	Percent of Total
Support NBN	\$ 961,500	5%

Economic Stability	3,939,100	20
Housing Stock	11,980,935	60
Community Needs	2,430,754	12
Other	638,300	3
Total	\$19,950,589	100%

Approval by the City Council of the Annual Action Plan is required by HUD. Approval of the City Development Fund is required by Resolution 83-26, which was adopted on May 24, 1983.

A public hearing on the plan is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-126
(Int. No. 149)

Approving The Consolidated Community Development Plan/2004-05 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2004-05 Annual Action Plan to be financed with \$19,950,589 available to the City of Rochester from the Community Development Block Grant, HOME Program, Emergency Shelter Grant Program, Housing Opportunities for Persons with AIDS Program, and Urban Development Action Grant loan and interest repayments; and

WHEREAS, the proposed plan was prepared according to a Citizen Participation Plan and reflects public comments and consultations; and

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council conducted a public hearing on the Draft Consolidated Community Development Plan/2004-05 Annual Action Plan and the needs, strategies, proposed actions and annual performance; and

WHEREAS, the City Council has reviewed the public comments and recommendations,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2004-05 Annual Action Plan.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-127
(Int. No. 150)

Authorizing Submission Of The Consolidated Community Development Plan/2004-05 Annual Action Plan And Execution Of The Grant Agreement With The United States Department Of Housing And Urban Development

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2004-05 Annual Action Plan to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized to execute a grant agreement with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2004.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-128
(Int. No. 151)

Appropriation Of Funds For The City Development Fund

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the Consolidated Community Development Program/2004-05 Annual Action Plan, the Council hereby appropriates the sum of \$1,100,000 in anticipated UDAG Loan Repayment Funds and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriations made herein. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 166
Re: Certificate of Use - Amending City Code

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending Chapter 90 of the City Code to modify the Certificate of Use Program.

The Certificate of Use Program, established in 1996, sets forth a list of requirements which must be met by certain types of businesses, including small food stores, bars and restaurants, and drug stores. Upon meeting those requirements, businesses are granted the Certificate, and are duly approved for operation in the City of Rochester.

The Administration has thoroughly reviewed the C of U program and is recommending several enhancements which are attached in summary form. These include changes in application screening procedures, renewal terms, types of businesses to be included, and fees. A comprehensive discussion of fees included consideration of a wide range of dollar amounts. It

was decided that an annual fee of \$100 could provide adequate revenue to support the program, without imposing undue burden on business owners.

The proposed changes will give the City the ability to better manage and document the growing number of local businesses. Through this upgraded program, we will also be better prepared to address various quality of life issues that affect our neighborhoods.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 166

AMENDING CHAPTER 90 OF THE MUNICIPAL CODE WITH RESPECT TO BUSINESS CERTIFICATES OF USE

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 90 of the Municipal Code, Property Conservation Code, is hereby amended by amending Articles II and III thereof to read in their entirety as follows:

Article II. Business Certificates of Use.

§90-31. Purpose.

The purpose of this Article is to establish regulatory controls to ensure that certain businesses are operating in accordance with the law, do not have a serious negative impact upon surrounding residential neighborhoods, or do not endanger the health, safety or welfare of persons in the City of Rochester.

§90-32. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BAR - A premises where alcoholic beverages are sold for consumption on the premises; or a premises operated for profit or pecuniary gain or as a place of assembly where alcoholic beverages are provided by the operator of the premises, his or her agents, servants or employees, or are brought onto said premises by persons assembling there. This definition shall exclude businesses that hold a current Sexually Oriented Business License.

BUSINESS - A bar, drugstore, food store, laundromat, restaurant, retail store or salon as defined herein.

DRUGSTORE - A premises where prescription drugs are sold at retail, together with dry goods, food or beverages.

FOOD STORE - A premises with a total floor space less than twenty thousand (20,000) square feet in which fifty percent (50%) or more of its sales area is devoted to the sale of food and beverage items to be consumed off the premises.

LAUNDROMAT - A premises where washing machines and dryers are available for public use.

RESTAURANT - A premises where food and/or beverages are sold to be consumed on the premises. This definition shall not include a premises where a non-alcoholic beverage or snack is available but is incidental to the conduct of the business at the premises. This definition shall exclude businesses

that hold a current Sexually Oriented Business License.

RETAIL STORE - Any business not otherwise covered by this section which has less than twenty thousand (20,000) square feet of floor space and is accessible to the public, where goods, merchandise or equipment are sold, rented or leased at retail. This definition shall exclude the following businesses: businesses that are not for profit, service and/or entertainment oriented businesses where the sale of merchandise is incidental to the conduct of the intended use, Motor Vehicle Repair Shops and Dealers, Automobile Rental Agencies, businesses that hold a current Sexually Oriented Business License, and Gasoline Stations which do not meet the definition of a food store.

SALON - An establishment where a hairdresser, barber or beautician conducts their trade, other than a home occupation.

§90-33. Certificate of Use required.

No person shall operate or maintain a business within the city without first obtaining a Certificate of Use authorizing the operation of said business by said operator at the specific business location. The authority for Certificates of Use issued pursuant to this chapter shall be the Director of NET.

§90-34. Application.

- A. An application for a Certificate of Use shall be made to the NET Code Enforcement unit by the business owner and operator, if other than owner, on forms provided by the Director of NET. The application shall request relevant information relating to the owner and operator, if any, of the business to be conducted at the premises. Where the owner is not directly involved with the day to day operation of said business, the operator must also be included on the application. If a partnership, corporation or other business entity is involved, the application must designate an operator who is involved in the day to day operation of the business. In this situation the certificate shall be issued to the operator, the names, addresses and phone numbers of the partners, officers or principals shall be listed on the application. All addresses of persons involved shall be home addresses, listing street and number.
- B. The Code Enforcement unit shall only accept applications where all information requested has been supplied and verified for accuracy. Anyone currently serving a period of suspension, revocation, or who has had an application for Certificate of Use denied, is ineligible to apply for a certificate during a period of suspension or for a period of one year from the date of revocation or denial. The applicant(s) must also demonstrate to the Code Enforcement unit that he/she has procured all necessary licenses and permits for the business.
- C. The Director of Zoning shall cause a review of the location to ensure that the operation of the business at that location will be in compliance with the Zoning Code.
- D. The Chief of Police shall cause an investigation to be made of the background of the owner, operator and location of the business including, but not limited to: a review of all calls for service to the location of the premises in the past year and

a criminal records check of the owner and operator.

- E. Except as provided in New York Correction Law, Article 23-A, the Director of NET reserves the right to deny a certificate to any person who has pled guilty to or has been convicted of any crime which is related to the operation of the business.
- F. The Director of NET shall cause an application to be administratively canceled if the applicant fails, upon receipt of written notice and time to cure, to abate code violations, or to pay any outstanding judgements rendered by the Municipal Code Violation Bureau, or to complete a building permit or zoning application, or for the owner of the premises to resolve any delinquent tax balances to the satisfaction of the Department of Finance.

§90-35. Inspections.

The Director of NET and the Fire Chief may cause an inspection of the premises to be made to determine whether the applicant is in compliance with the laws and ordinances which they are charged with enforcing. Said Director and Fire Chief and members of their staff shall have the right to enter upon any premises for which a Certificate of Use is sought when the business is open for the purpose of making such an inspection of areas open to the public, or other areas with consent, and shall also have the authority to seek warrants where the same are constitutionally required.

§90-36. Issuance of Certificate.

- A. All new applications for a Certificate of Use as of the effective date of this Article shall be issued or denied within thirty (30) days after the initial inspection is completed.
- B. No Certificate of Use shall be issued unless the applicant and business have fully complied with the provisions of this Article and have obtained all necessary licenses and permits for the operation. No Certificate of Use shall be issued to a premises while charges are pending pursuant to §3-15 of the City Charter, or while any other nuisance abatement proceeding or action is pending against the premises.
- C. No Certificate of Use shall be issued unless the applicant(s) has been found to be of good moral character and a fit and proper person to hold a certificate.
- D. No Certificate of Use shall be issued unless the premises is in compliance with the Municipal Code.
- E. No Certificate of Use shall be issued to any person or property against whom judgment has been rendered by the Municipal Code Violation Bureau in response to a complaint charging a violation of any section of the Municipal Code, which judgment has not been satisfied.
- F. No Certificate of Use shall be issued to any person to operate a business at a premises that has delinquent taxes, unless the owner of the property has entered into an agreement of payment for all outstanding taxes with the Department of Finance.
- G. No Certificate of Use shall be issued for a period of one year after the applicant has been found

guilty of operating a business without a Certificate of Use.

§90-37. Operation of Businesses.

- A. The owner and operator of any business shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of businesses and the occupation, use and maintenance of the premises.
- B. The owner and operator of any business shall comply with all the notices, orders, decisions and rules and regulations made by the Chief of Police, Fire Chief, NET Director and the Director of Zoning governing the occupation and use of the premises.
- C. The business owner and operator shall not employ any person who has had a Certificate of Use revoked or denied within the past year, where the underlying violations involved dangerous weapons or the sale of illegal drugs.
- D. The owner or operator of any business shall cause the Certificate of Use to be posted in a conspicuous place immediately visible upon entering the business.
- E. The owner or operator of any business shall not permit at any time a greater number of persons on the premises than the capacity authorized by the city. All places of public assembly shall have occupancy signs posted as required by the Building Code of New York State.
- F. The owner or operator of any business shall maintain good order on and about the premises at all times. The premises shall include the building in which the business is located, as well as accessory structures and uses, including parking lots, and the land on which the building is located. The owner or operator of any business shall be responsible to remove refuse and obstructions from the sidewalk in accordance with Municipal Code requirements, and to operate the business so that neither the business nor its patrons become a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The lack of good order shall include, but not be limited to, the following:
 - (1) Suffering or permitting the premises to become disorderly, including suffering or permitting fighting or lewdness.
 - (2) Gambling.
 - (3) Prostitution.
 - (4) Illegal possession, use, gift, sale, or offer for sale of alcoholic beverages.
 - (5) Illegal possession, use, gift, sale, or offer for sale of cigarettes or tobacco products.
 - (6) Food stamp or welfare fraud or criminal diversion of prescription medications and prescriptions.
 - (7) Litter.
 - (8) Possession, use, gift, sale, or offer for sale of illegal drugs.
 - (9) Noise violations.

- (10) Possession of stolen property.
 - (11) Operating beyond the legal hours of operation.
 - (12) Illegal possession, use, gift, sale, or offer for sale of dangerous weapons.
 - (13) Unlawfully dealing with a child or allowing or permitting sexual performances by a child.
 - (14) Any other nuisance activity listed in §3-15 of the City Charter.
- G. The Director of NET may promulgate rules and regulations to govern the operation of Certificate of Use under this Chapter so as to provide for the orderly operation of the businesses and to ensure the public safety and the peace and tranquility of the neighborhood where the businesses are located.

§90-38. Fees.

- A. The fee for a Certificate of Use shall be one hundred dollars (\$100) annually, except that the fee shall be waived for any business that possesses either a current Entertainment License, a Second Hand Dealer License, an Amusement Center License, or a Pawnbroker License.
- B. Payment of the fee shall be due at the time the application is submitted by the applicant.
- C. The fee for replacement of a certificate which is lost or destroyed shall be ten dollars (\$10).

§90-39. Expiration of the certificate.

- A. All Certificates of Use issued after the effective date of this Article shall expire one year from the date of issuance of the certificate, unless the certificate has been suspended or revoked.
- B. The Director of NET shall send a letter notifying the certificate holder(s) of the expiration of the Certificate of Use at least sixty (60) days prior to the expiration date. Only businesses which have submitted a renewal application thirty (30) days prior to the expiration date of their certificate shall be allowed to continue to operate past the expiration date until such time as a final determination is rendered on their renewal application.

§90-40. Transfer of Certificate.

- A. Certificates of Use shall not be transferred. In the event of any change involving the owner or operator of the business, the type of business, the name of the business or the business location a new certificate shall be required. A Certificate of Use shall not be transferred to any person who holds power of attorney.
- B. A Certificate of Use shall be deemed null and void when the certificate holder is not found operating the business for a period of one month, and fails to respond in person to the NET Code Enforcement Unit after having been sent a seven (7) day notification letter.

§90-41. Denial of a Certificate.

- A. The Director of NET may deny a certificate or

deny the renewal of a certificate to any applicant who does not comply with the provisions of this chapter or any rule or regulation promulgated under this chapter, or who makes a material misrepresentation on the certificate application, or who is serving a period of suspension or revocation. The Director of NET shall give a written notification to an applicant of the reasons for the denial of a certificate.

- B. When the investigation conducted pursuant to §90-34 reveals that the applicant has violated either federal, state or local laws or rules and regulations, the Director of NET may authorize the issuance of a conditional certificate. The conditional certificate shall state the grounds for the conditional certificate, the conditions under which the applicant shall operate his/her business, be signed by the applicant, and contain a provision which provides that any violation of the conditional certificate, as solely determined by the City of Rochester, shall be deemed to be grounds for revoking the conditional certificate.

§90-42. Revocation of a Certificate.

- A. The Director of NET, after a hearing has been conducted, shall have the authority to revoke a certificate pursuant to this Code for a violation by the certificate holder, his/her agents or employees of any law, ordinance, rule or regulation of the State of New York or the City of Rochester.
- B. The Director of NET may revoke, without a hearing, the certificate of any person found guilty of either two or more high level violations, as determined by and listed in §3-15B(1) of the City of Rochester Charter, occurring on separate occasions during any period of one year, or five or more violations occurring within a period of two years. Nothing herein shall prevent the Director of NET from revoking a certificate of any person on written charges and an opportunity for a hearing thereon.

ARTICLE III. Penalties and Severability.

§90-45. Penalties for offenses.

- A. Any owner or operator who, having been served with a notice and order to remove any violation of this chapter or any nuisance, fails to comply therewith within the time fixed by the Department shall be guilty of an offense punishable for each offense by a fine or penalty not exceeding those set forth in Chapter 52, Enforcement Procedures. Every day of such a violation may be held to constitute a separate offense.
- B. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties set forth in §13A-11 of the Municipal Code.
- C. Any owner or operator who violates any section of Article II of this chapter shall be subject to an immediate ticket. Every day of such violation may be held to constitute a separate offense for which additional tickets may be issued and for which penalties shall increase as set forth in §13A-11 of the Municipal Code.
- D. Any business, as defined in §90-32, operating without a Certificate of Use may be subject to an immediate notice and order to vacate that portion of the premises occupied by said business, which

shall not be reoccupied until such time as the Director of NET has authorized its occupancy.

§90-46. Severability.

The several provisions of this chapter shall be in accordance with the following rules:

- A. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provision of this chapter.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular structure, such judgement shall not affect the application of said provision to any other structure.

Section 2. Certificates of Use which are valid on the effective date of this ordinance and allow an activity which is deemed to be a business under this ordinance shall remain in effect as provided in said certificate until the expiration of the time period set forth in the notification letter referenced in §90-39, but in no case later than one year from the effective date of this Article, unless earlier nullified, suspended or revoked.

Section 3. Any business which prior to the effective date of this Article was not required to obtain a Certificate of Use, shall be required to apply for their certificate no later than thirty (30) days after receiving a letter notifying them of the requirement to apply.

Section 4. This ordinance shall take effect on July 1, 2004.

Held in committee.

By Councilmember Mains
May 18, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 152 - Authorizing Agreements For Human Services Projects

Int. No. 153 - Establishing Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Program

Respectfully submitted,
Benjamin L. Douglas
William F. Pritchard
Gladys Santiago
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-129
Re: Human Services Projects

R2010: Campaign 2 - Educational Excellence
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation

authorizing agreements with the following organizations for Human Services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Cameron Community Ministries Northwest Youth Programs	\$32,000
Northeast Neighborhood Alliance Summer on the City Farm	48,900

These are considered Projects with Matching Funds and are eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981. The agreement for the Northwest Youth Programs represents its fourth year of CDBG funding, and this will be the fifth year for Summer on the City Farm. The most recent agreements for these services were approved by City Council on May 13, 2003.

The cost of these agreements will be financed from the General Community Needs allocation of the 2004-05 Community Development Block Grant.

Project descriptions and budgets are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-57

Ordinance No. 2004-129
(Int. No. 152)

Authorizing Agreements For Human Services Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for human services projects in amounts not to exceed the following:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Cameron Community Ministries Northwest Youth Programs	\$32,000
Northeast Neighborhood Alliance Summer on the City Farm	48,900

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$80,900, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-130
Re: Agreement - Monroe Community
College AmeriCorps Program

R2010: Campaign 1- Involved Citizens
Campaign 7- Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe Community College, as agent for the Rochester AmeriCorps Collaborative, for continued financial support of the AmeriCorps Program. The maximum cost of this agreement will be \$35,000, which will be financed from the 2003-2004 Undistributed Fund.

The AmeriCorps program is a federal community service initiative for individuals ages 17 or older. The City's participation in the program was authorized by City Council on September 29, 1994.

The program is administered by the aforementioned Collaborative, which consists of representatives of Action for a Better Community, City School District, Rochester Area Community Foundation, Rochester Police Department, Empire State College, The Center for Youth Services, and the Urban League of Rochester, as well as the City of Rochester and Monroe Community College. Local cost- sharing budgeted at \$86,824 in non-federal cash and \$70,287 in in-kind contributions leverages \$256,000 in federal funds.

Under the program, participants perform a minimum of 1,700 hours of community service in exchange for a stipend or living allowance of \$9,900 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$4,725. In Rochester, the community services are directed toward improving the reality and perception of public safety in neighborhoods of highest need, with particular emphasis on initiatives involving children and youth. Over 800 individuals have participated in the program since its inception in 1994. Of this number, 628 successfully fulfilled program requirements and earned education awards.

Because of budget restrictions at the federal level, the program is able to enroll only 20 individuals this year. Seven of these members have been placed in City programs: one at a Neighborhood Empowerment Team (NET) office, two with the Rochester Police Department (RPD), and four in City recreation programs. Objectives include supporting residents' involvement in initiatives addressing public safety and quality of life issues in their neighborhoods, providing children and youth with prevention and intervention services, and engaging children and youth in positive developmental and community service activities. This year's placements include:

Neighborhood Empowerment Team

The member's duties include assisting with surveys and other communications processes, attending community meetings, strengthening new and existing block clubs, assisting with the development and operation of Junior Empowerment Teams, and assisting with special projects, particularly at John Marshall High School and neighborhood elementary schools.

Rochester Police Department

Members' duties include coordinating the "Do the Right Thing" program and enhancing the activities of the Victim Assistance Unit by assisting with crisis intervention, short-term counseling and referral, court advocacy, and filing requirements.

Department of Parks and Recreation

Members' duties include providing support to three

City recreation centers by conducting daily recreation programs. One member is placed in a city-wide position to develop training and activities for youth councils, provide assistance to council advisors, assist with the young entrepreneurs program, involve youth council members in television programming, and promote youth involvement in NBN and Rochester 2010 activities.

The proposed City contribution will fund the seven AmeriCorps members in the above placements.

The term of the agreement will be from January 12, 2004 through December 26, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-58

Ordinance No. 2004-130
(Int. No. 153)

Establishing Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Monroe Community College, as agent for the Rochester AmeriCorps Jobs Collaborative, for the AmeriCorps Program. Said amount shall be funded from the 2003-04 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
May 18, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 154 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 155 - Authorizing An Agreement With The Town Of Richmond For The Sale Of Water

Int. No. 156 - Establishing Maximum Compensation For A Professional Services Agreement For Design And Inspection Of The Replacement Of A Water Supply Conduit And Amending Ordinances No. 2003-56 And 2003-57 Relating To The Lake Avenue Improvement Project, As Amended

Int. No. 157 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$650,000 Bonds Of Said City To Finance The Cost Of The Design And Inspection Of The Replacement Of City Water Supply Conduits

The Parks, Public Works & the Environment Committee recommends for consideration the following

entitled legislation:

(Int. No. 154)

Int. No. 158 - Approving The Lease By the Rochester Urban Renewal Agency To Thyroff & Thyroff, LLC Of The Manhattan Square Tennis Bubble & Facility

Int. No. 159 - Approving A Change In Traffic Flow And A Decrease In The Pavement Width Of Birch Crescent

Int. No. 160 - Authorizing The Acceptance Of A Permanent Easement For The Birch Crescent Improvement Project

Int. No. 161 - Approving A Change In Traffic Flow On Lind Street From One-Way Westbound To One-Way Eastbound

Int. No. 162 - Approving A Decrease In The Pavement Width Of Fernwood Park

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Adam C. McFadden
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-131
Re: City Code Amendment - Wholesale Water Rate

R2010: Campaign 5 - Regional Partners

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for the Lima Water Districts 1 and 2.

The present wholesale rate was established by the City Council on May 13, 2003. Currently, it applies to wholesale water sales to Lima Water Districts 1 and 2 and the Town of West Bloomfield, which in the past 12 months totaled about 125,000,000 gallons, a 7% decrease in usage from 2002. Lima Water Districts 1 and 2 use comprises about 62% of this total.

An increase of \$0.03 per 1,000 gallons is proposed, raising the wholesale water rate to \$1.23 per 1,000 gallons. This would be a 2.27% increase, reflecting the increase in the Consumer Price Index for 2003. It is expected to result in annual incremental revenue of about \$2,400. The cost increase is primarily related to maintaining an aging system. The Water Bureau is beginning a major Conduit Modernization Program that will require several years to complete.

Future rate adjustments to the wholesale rate will be based upon changes in the Consumer Price Index. Rate changes are expected to be proposed on an annual basis for Lima and every two years for W. Bloomfield. The proposed rate increase will go into effect on July 1, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-131

Amending The Municipal Code With Respect To Wholesale Water Rates

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

(9) Wholesale rate: \$1.23 per 1,000 gallons.

Section 2. This ordinance shall take effect on July 1, 2004.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-132
Re: Agreement - Town of Richmond

R2010: Campaign 5 - Regional Partners

Transmitted herewith for your approval is legislation authorizing a 30 year agreement with the Town of Richmond for the purchase of water from the City.

This agreement will provide the Town with a water supply that is safer and more reliable than their existing groundwater supply while providing the City with additional revenues. Under the agreement, the City will sell the Town up to 500,000 gallons of water daily on a wholesale basis for distribution and resale to its customers.

The Town will pay a wholesale water rate of \$1.23 per 1,000 gallons. It is estimated that, on average, the Town will purchase about 250,000 gallons of water daily. Based upon this information, revenue of \$112,000 is projected.

To implement this agreement, the Town will first have to construct transmission and distribution facilities. The actual purchase of water is expected to begin in winter 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-59
Ordinance No. 2004-132
(Int. No. 155)

Authorizing An Agreement With The Town Of Richmond For The Sale Of Water

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Richmond whereby the City will sell up to 500,000 gallons of water per day for use within the Town for a term not to exceed 30 years. The City shall provide water on a wholesale basis to the Town for distribution and resale to its customers.

Section 2. The City shall charge the Town the wholesale water rate.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-133 And
Ordinance No. 2004-134
Re: Conduit Modernization Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the conduit modernization project. This legislation will:

1. Authorize an agreement with Bergmann Associates of 28 East Main Street, for the design and resident project inspection services for the replacement of 14,000 feet of water supply conduit, at a maximum cost of \$650,000; and
2. Authorize the issuance of bonds and appropriate the proceeds thereof to finance this cost.

The City's conduit system extends from the filtration plant at Hemlock Lake to the reservoirs at Cobbs Hill and Highland Parks. The system is used to transport large volumes of water to the reservoirs and to supply water to the Livingston County Water and Sewer Authority, the towns of Livonia, Lima and West Bloomfield and the Monroe County Water Authority.

The majority of the system consists of pipes ranging in age from 86 to 130 years. The total length of pipe in the conduit system is approximately 84 miles.

In 2001, the City began implementing a modernization program for its conduit system. The program provides for cathodic protection of selected portions of the system and pipe replacement and/or rehabilitation in areas where cathodic protection is not viable and the condition of the conduit is known to be poor. The initial phase of cathodic protection was initiated in 2001. The final phase of cathodic protection is expected to be initiated later this year.

This conduit replacement project will be the initial phase of the pipe replacement component of the conduit modernization program. It will involve the replacement of approximately 2.7 miles of a 24" wrought iron section of Conduit 1 in the Towns of Rush and Mendon. This section of Conduit 1 is 130 years old and has required a higher than normal level of maintenance. Over the last 10 years, nineteen leak repairs have been made. Repairs on this section of Conduit 1 are difficult due to the relatively high system operating pressure in this area and site access limitations.

The submission of qualifications was requested from fourteen local engineering firms. Ten firms responded to the request.

Proposals were solicited from four of the latter firms. Bergmann Associates is recommended because of their experience with large diameter pipeline design and construction.

Under the proposed agreement, Bergmann Associates

will design and inspect the replacement of this section of Conduit 1. Design will begin in the summer of 2004. Construction is anticipated to begin in the summer of 2005 and be completed by the summer of 2006. The Monroe County Water Authority is expected to reimburse the City for 54% of the cost of this work, in accordance with the agreement authorized by the City Council on April 25, 1978.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-60.

Ordinance No. 2004-133
(Int. No. 156, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Design And Inspection Of The Replacement Of A Water Supply Conduit And Amending Ordinances No. 2003-56 And 2003-57 Relating To The Lake Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$650,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for the design and inspection of the replacement of approximately 2.7 miles of City water supply Conduit 1 in the Towns of Rush and Mendon. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. Ordinance No. 2003-56, relating to the Lake Avenue Improvement Project, as amended by Ordinance No. 2003-138, is hereby further amended by amending Section 3 thereof to read in its entirety as follows:

Section 3. The agreements shall obligate the City to reimburse the State in an amount not to exceed \$1,640,000 for the water improvements, and of said amount, or so much thereof as may be necessary, \$1,100,000 shall be funded from Bond Ordinance No. 2003-57, \$210,000 shall be funded from the 2000-01 Cash Capital Allocation, \$250,000 shall be funded from the 2002-03 Cash Capital Allocation and \$80,000 shall be funded from the 2003-04 Cash Capital Allocation.

Section 3. Ordinance No. 2003-57, a bond ordinance for reconstruction of water mains as a part of the Lake Avenue Improvement Project, as amended by Ordinance No. 2003-138, is hereby further amended by amending Section 1 thereof by increasing the estimated maximum cost of said purpose to \$1,640,000, an increase of \$80,000, which amount shall be funded from the 2003-04 Cash Capital Allocation.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Councilmember Norwood left Council Chambers.

Ordinance No. 2004-134

(Int. No. 157)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$650,000 Bonds Of Said City To Finance The Cost Of The Design And Inspection Of The Replacement Of City Water Supply Conduits

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the design and inspection of the replacement of approximately 2.7 miles of City water supply Conduit I in the Towns of Rush and Mendon, Monroe County, New York (the "Project"). The estimated maximum cost of said specific object or purpose described herein (and constituting only a portion of the master development plan), including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be approximately \$650,000. The plan of financing includes the issuance of \$650,000 bonds of the City, and said amount is hereby appropriated therefor, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$650,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$650,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.1 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance

and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-135
Re: Lease Agreement/Thyroff & Thyroff,
LLC - Manhattan Square Tennis Bubble

R2010: Campaign 6 - Economic Vitality
Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing a lease with Thyroff & Thyroff, LLC, for the use, maintenance and operation of the Manhattan Square Tennis Bubble & Facility located at 47 Savannah Street in the Southeast Loop Urban Renewal District.

The previous lease with Elliot Landsman for the use and operation of the Tennis Club will expire on July 31, 2004. The proposed new operators of the tennis facility, Scott Thyroff and Joseph Thyroff have been managing the tennis bubble and facility for Elliott Landsman for the past several years. The proposed

new lease term will be for a period of three years commencing on August 1, 2004 and expiring on July 31, 2007 with two single year options for renewal.

The lease will obligate the new operators to continue to allow and promote the free use of the courts by City youth at various times throughout the school year and summer months, under the Love-15 program designed and supervised by the Department of Parks, Recreation and Human Services.

Identical to the existing lease with Landsman, the required rental payment will be 5% of gross court rental revenues up to \$130,000 and 7% of gross court rental revenues in excess of \$130,000. Rental payments are paid to the City on a quarterly basis. The operators have the right to adjust the court rental fees periodically based on the competitive market rate for local tennis club operations.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-61

Ordinance No.2004-135
(Int. No. 158)

Approving The Lease By The Rochester Urban Renewal Agency To Thyroff & Thyroff, LLC Of The Manhattan Square Tennis Bubble & Facility

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from Thyroff & Thyroff, LLC (hereinafter called "Lessee"), for the lease of the Manhattan Square Tennis Bubble & Facility, located at 47 Savannah Street in the Southeast Loop Urban Renewal District, for the operation of the Manhattan Square Tennis Bubble & Facility for a term of three years, with two one-year options for renewal; and

WHEREAS, an annual rental price of 5% of the gross revenues from tennis court rental of \$130,000 or less and 7% of gross revenues greater than \$130,000 has been established by the Secretary of the Agency and the Lessee shall agree to the free use of the courts by City youth at various times under programs designed and supervised by the City Department of Parks, Recreation and Human Services; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on May 18, 2004 to consider the proposed lease of said parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Lessee in accordance with its rules, criteria and procedures for the selection and designation of a Lessee as a qualified and eligible sponsor;
2. That the use of said parcel by the Lessee and the terms of the lease for said parcel are satisfactory;
3. That lease of said land by negotiation is the appropriate method of making the land available;
4. That the Lessee possesses the qualifications and financial resources necessary to lease the parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and

the Lessee's Statement for Public Disclosure is satisfactory;

5. That the proposed rental price is a satisfactory price and not less than the fair value of the parcel for use in accordance with the Urban Renewal Plan;
6. That the proposed lease complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law; and
7. That the lease of said parcel is satisfactory.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council approves the designation of the Lessee by the Agency as a qualified and eligible sponsor to lease the parcel.

Section 2. The Council hereby approves the method and lease of said parcel by the Agency to said Lessee.

Section 3. The Council hereby authorizes the lease of said parcel by the Agency for the proposed rent in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-136 And
Ordinance No. 2004-137

Re: Birch Crescent Improvements

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation which will:

1. Authorize a decrease in the pavement width on Birch Crescent of 11 feet, from 26 feet to 15 feet, beginning at a point 250' south of East Main Street for a distance of 30' to allow for the construction of a north-bound, exit-only traffic semi-diverter; and
2. Authorize a change in the direction of traffic flow on Birch Crescent from one-way north-bound to two-way traffic, beginning at East Main Street and extending 250' south of East Main Street, at the location of the semi-diverter; and
3. Authorize acceptance of a permanent easement from Action for a Better Community.

These improvements are being undertaken at the request of residents on Birch Crescent to reduce or eliminate truck and other commercial traffic through the residential neighborhood. City staff have worked with the residents to investigate alternate solutions which would address the concerns of both residents and businesses while maintaining adequate access for City service vehicles. The proposed design solution

addresses the residents' concerns, and will serve the businesses by allowing commercial traffic to enter and exit Birch Crescent via East Main Street. The design will provide for two-way traffic on Birch Crescent between East Main Street and a point 250' south of East Main Street where a semi-diverter will be constructed within the right-of-way. The remainder of Birch Crescent from North Goodman Street will remain one-way northbound.

Action for Better Community has agreed to donate a permanent easement to the City to provide for construction of a vehicular turn-around at the semi-diverter.

The cost of this project, estimated at \$25,000, will be financed from the 2002-03 T-5 Neighborhood Traffic Calming account. This project will be completed during summer 2004.

The street narrowing was endorsed and the change in the direction of traffic flow was approved at the City's Traffic Control Board meeting on March 16, 2004.

A public information meeting was held on April 21, 2004; the meeting minutes will be forthcoming on April 23, 2004.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-62

Ordinance No. 2004-136
(Int. No. 159)

Approving A Change In Traffic Flow And A Decrease In The Pavement Width Of Birch Crescent

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a change in direction of the traffic flow on Birch Crescent, between East Main Street and extending 250 feet south of East Main Street, from one-way northbound to two-way.

Section 2. The Council hereby further approves a decrease in the pavement width of Birch Crescent of eleven feet, from 26 feet to 15 feet, beginning at a point 250 feet south of East Main Street and extending for 30 feet to provide for the construction of a northbound exit-only traffic semi-diverter.

Section 3. Such changes and additional changes as a part of the Birch Crescent Improvement Project shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-137
(Int. No. 160)

Authorizing The Acceptance Of A Permanent Easement For The Birch Crescent Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of a permanent easement over approximately 428 square feet of the parcel at 917-919 East Main Street, SBL #106.75-01-41, from the reputed owner, Action for a Better Community, Inc. for the construction and maintenance of municipal improvements as a part of the Birch Crescent Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-138
Re: Lind Street One-Way Reversal

R2010: Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation changing the direction of traffic flow on Lind Street from one-way westbound to one-way eastbound (see attached map).

City Council approved the abandonment of Oak Street between Lind Street and Smith Street to provide land for the PaeTec Park development site on August 26, 2003. A traffic impact study was conducted as part of the Draft Environmental Impact Statement for the development site. The reversal of the one-way traffic on Lind Street was recommended as part of this traffic study. With the Oak Street closure just south of Lind Street, the Lind Street traffic directional change from westbound to eastbound will allow motorists traveling south on Oak Street to exit via Lind Street.

The Traffic Control Board approved the one-way eastbound proposal at its April 6, 2004 meeting. A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-63

Ordinance No. 2004-138
(Int. No. 161)

Approving A Change In Traffic Flow On Lind Street From One-Way Westbound To One-Way Eastbound

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a change in direction of the traffic flow on Lind Street, between Saratoga Avenue and Oak Street, from one-way westbound to one-way eastbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-139
Re: Fernwood Park Street Narrowing

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation changing the width of Fernwood Park from a 40' width to a 32' width from 765' west of Woodman Park to 965' west of Woodman Park to improve student safety at Frederick Douglass Middle School (see attached map).

The Rochester City School District is constructing a new bus loading/unloading area off Fernwood Park. To allow for an efficient design of the loading/unloading area, the School District recommends the elimination of a recessed parking area on the north side of Fernwood Park next to the school opposite and west of Revella Street.

The Traffic Control Board endorsed the street narrowing at its April 20, 2004 meeting.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-64

Ordinance No. 2004-139
(Int. No. 162)

**Approving A Decrease In The Pavement Width
Of Fernwood Park**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a decrease in the pavement width of Fernwood Park of eight feet, from 40 feet to 32 feet, beginning at a point 765 feet west of Woodman Park and extending to a point 965 feet west of Woodman Park, to remove a recessed parking area for Frederick Douglass Middle School.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Norwood returned to Council Chambers.

By Councilmember Douglas
May 18, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 164 - Authorizing An Application And Agreement For The Motor Vehicle Theft & Insurance Fraud Prevention Program And Amending The 2003-04 Budget

Int. No. 165 - Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

Int. No. 167 - Amending The Municipal Code In Order To Prohibit Aggressive Panhandling

Int. No. 168 - Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2004 Assessment Roll

Int. No. 169 - Determining And Certifying Base Proportions, Current Percentages, And Base Percentages For The 2004 Assessment Roll

Int. No. 170 - Approving Apportionment Of Taxes And Charges

The following entitled legislation is being held in committee:

Int. No. 163 - Establishing Maximum Compensation For A Professional Services Agreement For Veterinary Services

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-140
Re: NYS DCJS Motor Vehicle Theft &
Insurance Fraud Prevention Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted for your approval is legislation authorizing the acceptance of an award of \$50,000 from the New York State Division of Criminal Justice Services (DCJS) and amending the 2003-04 Budget of the Police Department by \$11,100 and the 2003-04 Undistributed budget by \$1,300 to reflect the receipt and use of this grant. The remainder of the award (\$37,600) will be included in the 2004-05 Budget.

This grant covers the period April 1, 2004 through March 31, 2005; no matching funds are required. Under this program, sworn police officers and investigators will review stolen vehicle reports to identify potential fraudulent reporting of incidents and prioritize incidents for case investigation and criminal arrest for motor vehicle theft and related insurance fraud. Police overtime will be used to conduct specialized investigative and enforcement details, and coordinate activities with assistance from the insurance industry and other federal, state and local law enforcement agencies, the Monroe County District Attorney's Office, National Insurance Crime Bureau, and NYS Department of Motor Vehicles.

Previous grants under this program were authorized in 1998, 2002, and on March 23, 2004. The prior grants funded the acquisition of a fleet of "bait" vehicles, computer hardware and software to establish a stolen auto database, an educational campaign, investigative overtime, and specialized training.

Renewal funding from this program primarily will be used to reimburse overtime for officers and investigators, and a command officer that will supervise and coordinate program operations through the Central Investigations Section.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AD-65

Ordinance No. 2004-140
(Int. No. 164)

Authorizing An Application And Agreement For The Motor Vehicle Theft & Insurance Fraud Prevention Program And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding for the Motor Vehicle Theft & Insurance Fraud Prevention Program.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$11,100 and to Undistributed Expense by the sum of \$1,300, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-141
Re: Agreement - Kevin Cleary Government Relations LLC

R2010: Campaign 5 - Regional Partnerships
Campaign Seven - Quality Services

Transmitted herewith is legislation authorizing an agreement with Kevin Cleary Government Relations LLC for Albany-based lobbying services on behalf of the City of Rochester. The legislation will authorize compensation in the amount of \$36,800, which will be funded from the 2003-04 Budget (Mayor's Office allocation). This amount is approximately two percent (2%) greater than that in the previous agreement which expired December 31, 2003. The term of this agreement will be for one year, retroactive to January 1, 2004.

Mr. Cleary has provided lobbying services for the City for a number of years, initially while he was employed by another firm and eventually under the auspices of his own firm, Kevin Cleary Government Relations LLC. This firm's base in Albany, New York facilitates efficient and effective provision of services required by the City and was determined to be preferable to utilization of a local firm.

Kevin Cleary Government Relations LLC has assisted the City in lobbying the Governor's Office, the State Assembly, the State Senate, and other State offices and authorities on behalf of increased State Aid for the City, State participation in economic development

ventures in Rochester, alienation of parkland, in addition to other matters.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-141
(Int. No. 165)

Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$36,800, or so much thereof as may be necessary, plus reimbursement for extraordinary travel and communications expenses authorized by the City, is hereby established as the compensation to be paid for a professional services agreement between the City and Kevin Cleary Government Relations, LLC, for the continued provision of State lobbying services. Said amount shall be funded from the 2003-04 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-142
Re: Aggressive Panhandling

R2010: Campaign 7 - Quality Service

Transmitted for you approval is legislation creating a new section of the City Code to prohibit aggressive panhandling. For several years, the City has received complaints about the increasing numbers of individuals who accost both pedestrians and motorists seeking handouts. The problem is especially acute in the Center City and throughout much of the East End.

The result of this activity is a worsened perception of personal security and a decrease in patronage of commercial and tourist establishments throughout the City.

It is well established in law that some types of begging or panhandling constitute a form of speech that is protected by guarantees in both the Federal and State constitutions. The proposed legislation will not interfere with those rights. Rather, it will prohibit actions that would be construed by a reasonable person as aggressive or designed to intimidate. These actions would include making contact with or getting unreasonably close to a person; following, blocking, or impeding a person; persisting in soliciting after the person has declined the solicitation; or attempting to intimidate a person through words or actions.

Further, it is clear that solicitation in garage structures, near banks or ATMs, or in enclosed locations like bus shelters, skyways or tunnels, is both intimidating and inappropriate in a City that emphasizes an improving quality of life. The legislation would prohibit all solicitations in those critical areas as well as solicitations from motor vehicles, a practice that is inherently dangerous for both the solicitor and the occupants of motor vehicles.

In regard to the needs of those who panhandle, human service professionals have repeatedly counseled that charitable donations not be given directly to panhandlers, many of whom use such alms to purchase alcohol or illegal drugs. Charitable contributions made through such agencies are used to ensure that food and shelter are available to those in need.

Violations of the new section would be punishable by fines ranging from \$25 to \$250; second offenses could result in jail terms of up to 15 days. These penalties are identical to those that Council authorized for violations of the open container law.

The proposed legislation would be adjudicated in City Court rather than through the Municipal Code Violations Bureau. The Court system is able to connect people with appropriate social or medical services in a way that is not possible through MCVB, which exists solely to adjudicate and collect fines.

Similar legislation has been enacted in many other cities, including Atlanta, Baltimore, Cincinnati, New Haven, New York, Philadelphia, Portland, San Francisco, Seattle, and Washington, D.C. The proposed legislation is consistent with the portions of the legislation from those cities that has been upheld by the courts.

Respectfully submitted,
 Lois J. Giess Benjamin L. Douglas, Chair
 President Finance & Public Safety Committee

Attachment No. AD-68

Councilmember Mains moved to amend Introductory No. 167.

The motion was seconded by Councilmember Curran.

The motion failed by the following votes:

Ayes - Councilmembers Curran, Mains, Stevenson - 3.

Nays - President Giess, Councilmembers Douglas, McFadden, Norwood, Pritchard, Santiago, - 6.

Council President Giess moved to amend Introductory No. 167.

The motion was seconded by Councilmember Douglas.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Mains - 1.

Ordinance No. 2004-142
 (Int. No. 167, As Amended)

Amending The Municipal Code In Order To Prohibit Aggressive Panhandling

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby added to the Municipal Code the following new section:

Section 44-4. Aggressive panhandling.

A. Legislative intent. This legislation is adopted in order to protect persons from threatening, intimidating or harassing behavior, to keep public places safe and attractive for use by all members of the community and to maintain and preserve public places where all of the community can interact in a peaceful manner. This legislation is also intended to provide for the free flow of pedestrian and vehicular traffic on streets and sidewalks in the City, to promote tourism and business and preserve the quality of urban life. The Council finds that aggressive acts associated with solicitation tend to interfere with the free flow of pedestrian and vehicular traffic and intimidate persons in public places, and can lead to disruption and disorder in public places. Aggressive acts can also cause persons to avoid public places and lead to declining patronage of commercial establishments and tourism. The Council further finds that solicitation in certain public places is inconsistent with the use of those places, is inherently intimidating, targets persons who are captive audiences or constitutes an invasion of privacy as persons are not able to simply move on if they do not wish to speak to the person soliciting. Solicitation in proximity to bank entrances or check cashing businesses or automated teller machines is inherently intimidating and should be restricted. By this legislation, the Council intends to promote the health, safety and welfare of the citizens and visitors to the City.

B. Definitions. Whenever the following words and phrases are used in this section, they shall have the following meanings:

AGGRESSIVE MANNER -

- (1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation, or approaching within an arm's length of the person, except with the person's consent;
- (2) Following the person being solicited, if that conduct is: (a) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or (b) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (3) Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (a) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or (b) is intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;

- (5) Intentionally or recklessly using words: (a) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or (b) intended or likely to intimidate the person into responding affirmatively to the solicitation; or
- (6) Approaching the person being solicited in a manner that is: (a) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or (b) intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation.

AUTOMATED TELLER MACHINE - A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

AUTOMATED TELLER MACHINE FACILITY - The area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

BANKING ORGANIZATION - All banks, trust companies, private bankers, savings banks, industrial banks, safe deposit companies, savings and loan associations, credit unions and investment companies as defined in Section 2 of the New York State Banking Law.

LICENSED CASHIER OF CHECKS - Any individual, partnership, unincorporated association or corporation duly licensed by the New York State Superintendent of Banks to engage in business pursuant to the provisions of Article IX-A of the New York State Banking Law.

PARKING GARAGE - As defined in Section 111-117 of the Municipal Code, and including the Metro Center Garage.

PARKING STATION - A municipal parking lot as defined in Section 111-103 of the Municipal Code.

PUBLIC PLACE - Any area or building owned, leased, operated or controlled by or on behalf of any government, municipality, public authority or public corporation in the City which is generally accessible by the public, including, but not limited to, any street, including the sidewalk portion thereof, skyway, bridge, tunnel, park, playground, recreation area, cemetery, school or school grounds, building, facility, driveway, parking lot or parking garage, and the doorways and entrances to buildings and dwellings.

SOLICIT - Shall include, without limitation, the spoken, written, or printed word or such other acts or bodily gestures as are conducted in furtherance of the purposes of immediately obtaining money or any other thing of value [or soliciting the sale of goods or services].

- C. No person shall solicit in an aggressive manner in a public place.
- D. No person shall solicit within twenty (20) feet

of an automated teller machine or an entrance or exit of an automated teller machine facility during the time the automated teller machine is available for customers' use; or within twenty (20) feet of an entrance or exit to a banking organization or a licensed cashier of checks during its business hours.

- E. No person shall solicit when either the person soliciting or the person being solicited is in a bus shelter or at a bus stop.
- F. No person shall solicit in a parking garage or parking station.
- G. No person shall solicit in any portion of a public skyway or tunnel.
- H. No person on a sidewalk or alongside a roadway shall solicit from any occupant of a motor vehicle that is on a street or other public place.
- I. Penalties. A violation of this section shall be a "violation" as that term is defined in the Penal Law. A person convicted of violating this section shall be fined not less than \$25 nor more than \$250, and, in addition, for a second conviction within 12 months of a preceding conviction, may be imprisoned for a term not longer than 15 days. In lieu of a fine, the court may impose an appropriate alternative sentence; provided, however, that an alternative sentence shall not be an unconditional discharge.
- J. Severability. If any provision of this Section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

Section 2. Section 44-15 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by adding the words and numbers "Section 44-4 and " after the word "except" and before "Section 44-9" where they are contained therein.

Section 3. This ordinance shall take effect on July 1, 2004.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers Mains, McFadden - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-143 And
Ordinance No. 2004-144
Re: Tax Apportionment Assessment Classes

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation certifying certain calculations relating to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves determination of the "base

proportion". In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class.

This determination process involves two computations. The first is the calculation of the current base proportions using 1989 and 2003 data. The second is the calculation of the adjusted base proportions using 2003 and 2004 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 1, are as follows:

Homestead	.4264367
Non-Homestead	.5735633
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4214774
Non-Homestead	.5785226
Total	1.0000000

These new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead:	+3.78%
Non-Homestead:	-2.58%

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-66

Ordinance No. 2004-143
(Int. No. 168)

Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2004 Assessment Roll

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2004 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Adjusted base proportion	.4214774	.5785226
Taxable assessed value	3,090,532,781	1,908,495,552
Net change in assessed value from 2003 resulting from physical and quantity changes	-4,964,200	+691,800
Net change in assessed value from 2003 resulting from other than physical and quantity changes	+304,190,462	+10,257,128

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Real Property Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-144
(Int. No. 169)

Determining and Certifying Base Proportions, Current Percentages, And Base Percentages For The 2004 Assessment Roll

BE IT ORDAINED, by the Council of the City of Rochester, as follows:

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City's 2004 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Current base proportions	42.64367%	57.35633%
Current percentage	62.10760	37.89240
Base percentage	52.03550	47.96450

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Equalization and Assessment.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-145
Re: Apportionment of Taxes and Charges
R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 23 properties. This apportionment has been certified by the Assessor and is authorized by §6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in 2003-2004. These taxes and charges, which total \$71,241.11, will be added to the new accounts established by the subdivisions or combinations of the former accounts.

If the proposed apportionment is approved, the taxes and charges will be added to the July 2004 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-67

Ordinance No. 2004-145
(Int. No. 170)

Approving Apportionment Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the ap-

portionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester pursuant to Section 6-78 of the Charter of the City of Rochester on April 19, 2004, in accordance with the list which is on file in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 163
Re: Veterinary Services Agreements for the
Animal Services Unit for 2004-2005

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted for your approval is legislation authorizing an agreement with Allison Vermeulen, LVT to provide veterinary services to the City's Animal Services Unit for 2004-05. The cost of this agreement shall not exceed \$15,000 and will be funded through the 2004-05 proposed Budget of the Police Department.

Veterinary services to animals in custody at the City of Rochester's Verona Street animal shelter currently are provided primarily through an agreement with the Humane Society of Rochester and Monroe County, under which a licensed veterinarian makes daily visits to the City's animal shelter. Necessary surgical services, including spay/neuter surgeries for dogs and cats prior to adoption, have been provided by transporting animals to and from offsite veterinary hospitals, including the Humane Society's Lollypop Farm location.

Construction of the on-site surgical unit at the City's Verona Street animal shelter should be complete by the end of May 2004. During 2004-05, routine veterinary services, including spay/neuter surgeries, will be provided on-site through professional services agreements with several licensed veterinarians and veterinary technicians. The City's reliance on the Humane Society will be phased out; however, a contingency contract with the Humane Society will be maintained in the event that the consulting veterinarians are unable to fulfill all of the shelter's surgical needs. Weekend and evening emergency veterinary services will continue to be provided through the extension of an agreement with Animal Hospital of Pittsford/Animal Emergency Services.

The proposed consultants and estimated expenses for 2004-05 are as follows:

Dr. Mary Dyroff, DVM	\$10,000	1 day/wk (4hrs/day)
Dr. Mary Lummis, DVM	10,000	1 day/wk (4hrs/day)
Dr. Rebecca Price, DVM	1,000	1-2 day/wk (4 hrs/day)
Dr. John O'Donoghue, DVM	10,000	1 day/wk (4 hrs/day)
Dr. Rebecca Weaver, DVM	10,000	1 day/wk (4hrs/day)
Allison Vermeulen, LVT	15,000	5 days/wk (6 hrs/day)
Aimee Willoughby, LVT	5,000	1 day/wk (6 hrs/day)
Humane Society		

	5,000	as needed
Animal Hospital of Pittsford		
	5,000	evening/weekend emergencies
Total	\$71,000	

Funding for the agreements is included in the 2004-05 proposed Budget. These agreements are contingent upon Council's approval of the 2004-05 Budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 163

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR VETERINARY SERVICES

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Allison Vermeulen, LVT, for the provision of veterinary services for the Animal Control Shelter. Said amount shall be funded from the 2004-05 Budget of the Rochester Police Department, contingent upon adoption of said Budget.

Section 2. This ordinance shall take effect immediately.

Held in committee.

The meeting was adjourned at 9:15 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT BUDGET
JUNE 16, 2004
7:00 P.M.

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - none - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

PUBLIC HEARINGS

Pursuant to law, public hearings will now be had on the following matter:

Adoption Of The Budget Estimates For Municipal Purposes For The 2004-05 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 227 Fifty-five speakers: Marie Poinion, Karyn Herman, Brian Sampson, Nidia Padilla, Lois DuPree, Herb Swingle, Hans DeBruyn, Gloria Lawton, Mary Kay Vargas, Deborah Deaton, Nicole L. Crocker, Larry Kobrin, Jerry Clerk, Sr., Greg Mason, Dan DiClemente, Odelia Liberty, Bill McCoy, Henrietta Levine, Samuel Kim, Christina Grey, Anita Jones, Gloria Riley, Genuine Ridgeway, Jane McManus, Ellen Leopold, Virmaris Castillo, Kirstyn Smith, Stephen Smith, Mitzi Mason, Jim Greco, Kate Parsons, Frank Wolfs, Samantha Sanchez, Jamie Farley, Dominique Simmons, Thomas Richmond, Jack Fawkes, John Crigo, Kevin O'Neill, Rose Marie Lomard, Richard G. Cuddy, Gary Goldstein, Bill Roose, Graciela Perez, Catherine M. Buyer, Michael A. Occhine, Richard Margolis, Anthony Church, Melissa Berrien, Rhonda Rogers, Carla Carey, Miriam Nunez, Joshua Lopez, Howard J. Eagle, and William C. Gerling.

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2004 And Expiring June 30, 2005, And Appropriation Of Sums Set Forth Therein Int. No. 230 No speakers.

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2004 And Expiring June 30, 2005 Int. No. 229 No speakers.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2004 And Expiring June 30, 2005 Int. No. 232 No speakers.

The meeting was adjourned at 10:45 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
JUNE 18, 2004

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - none - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

Councilmember McFadden moved to amend the Rules of Council, to allow speakers to speak for 30 minutes on Introductory No. 226 before Council votes on the item.

The motion was seconded by Councilmember Mains.

The motion failed by the following votes:

Ayes - Councilmembers Curran, Mains, McFadden - 3.

Nays - President Giess, Councilmembers Douglas, Norwood, Pritchard, Santiago, Stevenson - 6.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 4
Re: Transfer of Funds to the Rochester City School District - Amending the City Charter

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation amending Section 3-9.1.A. of the City Charter by adjusting the transfer of funds from the City of Rochester to the Rochester City School District from \$126,100,000 to \$119,100,000.

This proposed reduction of \$7,000,000 is consistent with the statements in my budget transmittal letter of May 20, 2004. There have been no material changes in the financial circumstances of either the City or the District that would warrant any alteration of this course.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Curran moved to amend Introductory No. 226.

The motion was seconded by Councilmember Mains.

The motion failed by the following votes:

Ayes - Councilmembers Curran, McFadden, Pritchard - 3.

Nays - President Giess, Councilmembers Douglas, Norwood, Santiago, Stevenson - 5.

Councilmember Mains abstained vote because he is

an employee of the City School District. Councilmember McFadden moved to amend Introductory No. 226.

The motion was seconded by Councilmember Curran.

The motion failed by the following vote:

Ayes - Councilmembers Curran, McFadden, Pritchard - 3.

Nays - President Giess, Councilmembers Douglas, Norwood, Santiago, Stevenson - 5.

Councilmember Mains abstained vote because he is an employee of the City School District.

Local Law No. 4 (Int. No. 226)

Local Law Amending The City Charter With Respect To The Allocation Of Funding Between The City And The City School District

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section A of Section 3-9.1, Allocation of funding and debt-incurring power between the City and City School District, to read in its entirety as follows:

A. The City shall provide to the City School District the sum of \$119,100,000.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Norwood, Santiago, Stevenson - 5.

Nays - Councilmembers Curran, McFadden, Pritchard - 3.

Councilmember Mains abstained vote because he is an employee of the City School District.

The meeting was adjourned at 6:00 P.M.

CAROLEE A. CONKLIN
City Clerk

**REGULAR MEETING
JUNE 22, 2004**

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremonies

Award

New York State Senate 2004 Woman of Distinction Award

Retirement:

Library
*Carole Joyce

RPD
*David C. DeMers
*John D. Salome
*Not attending Meeting.

APPROVAL OF THE MINUTES
By Councilmember Stevenson

RESOLVED, that the minutes of the Regular Meeting of May 18, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:
Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3772-7
The Director of Zoning Submits Notices of Environmental Determination.
La Marketa North Clinton Avenue. 3773-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

By Councilmember Norwood - Petition submitted by area residents opposing the Wegmans Supermarket construction on Elmwood Avenue. Petition No. 1604

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Approving The Urban Renewal Plan For The La Marketa North Clinton Avenue Urban Renewal Project Int. No. 197 One speaker: Joan Roby- Davison.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The La Marketa North Clinton Avenue Urban Renewal Project Int. No. 198 No speakers.

Changing The Zoning Classification Of 804-844 North Clinton Avenue From C-2 Community Center, And 7, 11 And A Portion Of 9 Sullivan Street From R-1 Low Density Residential, To La Marketa North Clinton Avenue Urban Renewal District Int. No. 199 No speakers.

Changing The Zoning Classification Of 406-408, 407, 415, 417, 420-422, 421-423, 426-430 And 429 South Avenue From C-2 Community Center, And 390, 394-398, 397-399, 400-404 And 401-405 South Avenue And 422-486 And 429-455 South Clinton Avenue From Center City (CCD)-Riverfront, To Center City (CCD)-Base Int. No. 225 No speakers.
Amending The 1995-96, 1996-97, 1997-98 And 2001-02 Community Development Programs By Transferring Funds Within The Promoting Economic

Stability Allocations, Amending Ordinances, Authorizing Agreements And Appropriating Funds Int. No. 196 No speakers.

Approving Decreases In The Pavement Width Of South Avenue As A Part Of The South Avenue Enhancement Project (Byron Street-Caroline Street) Int. No. 215 No speakers.

Dedication And Abandonment Of Parcels As Part Of The West Ridge Road Public Improvement Projects Int. No. 224 Two speakers: Richard Schmidt and Frank Lucas.

Approving The Dedication Of Portions Of 900 West Broad Street And 242-248 Jay Street To Street Purposes As A Part Of The West Broad Street Public Improvement Project Int. No. 247 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

Councilmember Douglas moved to change the regular order of committees, by hearing the Finance & Public Safety Committee first.

The motion was seconded by Councilmember Stevenson.

The motion was adopted unanimously.

By Councilmember Douglas
June 22, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 216 - Establishing Maximum Compensation For A Professional Services Agreement For Child Care Referral Services

Int. No. 217 - Establishing Maximum Annual Compensation For A Professional Services Agreement For Administration Of Unemployment Insurance Claims

Int. No. 218 - Authorizing An Agreement For The Safe Kids Project

Int. No. 219 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 220 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Police Department

Int. No. 221 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Fire Department

Int. No. 222 - Resolution Approving Reappointments To The Civil Service Commission Of The City Of Rochester

The Finance & Public Safety Committee recommends for consideration the following entitled legislation:

Int. No. 227A - Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To Resources For The Community Library - \$51,600

Int. No. 227B - Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To Additional Police Recruits - \$137,500, As Amended

Int. No. 227C - Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To The Development Of A Violence Against Women Ad Campaign - \$5,000

Int. No. 227D - Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To The Rochester Recreation Swim Team - \$13,500

Int. No. 227E - Amending The Proposed 2004-05 Budget In Regard To The Wordcrafters Program - \$17,100

Int. No. 227F - Amending The Proposed 2004-05 Budget In Regard To The Rochester Philharmonic Orchestra - \$25,000

Int. No. 227G - Amending The Proposed 2004-05 Budget In Regard To The Maplewood Rose Festival - \$7,600

Int. No. 227H - Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To Neighborhood Block Parties And Clean Ups - \$10,500

Int. No. 227I - Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To Industrial Development - \$20,000

Int. No. 227J - Amending The Proposed 2004-05 Budget In Regard To The Budget Of The Administration (NET) - \$163,500

Int. No. 227K - Resolution Of Budgetary Intent - NET Evaluation

Int. No. 227 - Adoption Of The Budget Estimates For Municipal Purposes For The 2004-05 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

Int. No. 228 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2004 And Expiring June 30, 2005

Int. No. 229 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2004 And Expiring June 30, 2005

Int. No. 230 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2004 And Expiring June 30, 2005, And Appropriation Of Sums Set Forth Therein

Int. No. 231 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2004 And Expiring June 30, 2005

Int. No. 232 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2004 And Expiring June 30, 2005

Int. No. 233 - Resolution Approving The 2004-05 Debt Limit For General Municipal Purposes

Int. No. 234 - Amending The Municipal Code With Respect To Refuse Fees

Int. No. 235 - Amending The Municipal Code With

Respect To Fees For Parking Garages

Int. No. 236 - Amending The Municipal Code With Respect To Water Rates

Int. No. 237 - Amending The Municipal Code With Respect To Fees For Permits From The City Engineer

Int. No. 238 - Amending The Municipal Code With Respect To Fees For Permits From The Fire Chief

Int. No. 239 - Local Law Amending The City Charter With Respect To Fees For Foreclosure

Int. No. 240 - Amending The Municipal Code With Respect To Fees Of The City Clerk

Int. No. 241 - Amending The City Code With Respect To Penalties For Noise Violations

Int. No. 242 - Amending The Municipal Code With Respect To Taxicab Rates Of Fare

The following entitled legislation failed in committee:

Int. No. 227L - Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To Transfers To The Contingency Account - \$3,600,000

Int. No. 230A - Amending The Proposed 2004-05 Budget Of The City School District - \$3,600,000

Int. No. 230B - Amending The Proposed 2004-05 Budget Of The City School District - \$1,200,000

Respectfully submitted,
Benjamin L. Douglas (Voted against Int. No. 230B.)

Brian F. Curran (Voted against Int. No. 227A through Int. No. 227I, Int. No. 227K through Int. No. 228, and Int. No. 230 through Int. No. 231.)

Robert J. Stevenson (Voted against Int. No. 230B.)

Gladys Santiago (Voted against Int. No. 230B & did not vote on Int. No. 234 through Int. No. 236.)

Lois J. Giess (Voted on Int. No. 227A through Int. No. 242 and voted against Int. No. 230B.)

FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2004-146
Re: Agreement - Child Care Council, Inc.

R2010: Campaign 3 - Health, Safety & Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a three-year agreement with the Child Care Council, Inc., 595 Blossom Road, for continued provision of child care referral services for full-time City employees and part-time employees represented by the CSEA bargaining unit. The maximum cost of these services will be \$6,200 per year, which will be financed from the current and future budgets for Undistributed Expenses.

The Child Care Council was established in 1974 to provide; a) Information and assistance to parents about the availability and selection of child care services, b)

Recruitment, training and development programs for child care providers, and c) Education and advocacy service to the general public.

Agreements with the Child Care Council for the provision of such services to City employees have been authorized by the City Council since 1988. The most recent agreement was an extension for one year authorized on June 25, 2003. Since 1995, 100% of employees using this service have expressed their satisfaction as "good" or "very good".

Under the proposed agreement, the Child Care Council will continue to provide the following services:

1. Upon request of any employee, provision of specific information concerning the availability of child care providers with available spaces near the home or workplace of the employee;
2. After six weeks, determine the satisfaction of the employee with the child care services that are provided; and
3. Submission of quarterly reports to the City concerning utilization of and satisfaction with the referral services.

For each employee who requests specific information, the Child Care Council will identify at least three child care providers, with available spaces, who are in compliance with NY State laws and regulations. It will also continue to provide additional information and assistance, if required.

The cost of the agreement is based upon the average of actual utilization over the previous three years.

Respectfully submitted,
William A. Johnson, Jr.
Mayor.

Attachment No. AD-69

Ordinance No. 2004-146
(Int. No. 216)

Establishing Maximum Compensation For A Professional Services Agreement For Child Care Referral Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$6,200, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and the Child Care Council, Inc. for child care referral services, for a term of three years. Said amounts shall be funded from the 2004-05 and subsequent Budgets for Undistributed Expense, subject to approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-147
Re: Agreement - Unemployment Claims Administration, TALX UCeXpress

R2010: Campaign 7- Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with TALX UCeXpress for administration of the Unemployment Claims process for the City of Rochester for \$24,900 over three years. Of said amount, \$8,300 shall be funded from the 2004-05 Budget for Undistributed Expense, \$8,300 shall be funded from the 2005-06 Budget for Undistributed Expense, and \$8,300 shall be funded from the 2006-07 Budget for Undistributed Expense, contingent upon approval of future budgets.

Unemployment claims administration for the City of Rochester were formerly managed by Gates- McDonald Corporation. In early 2003, TALX UCeXpress purchased Gates-McDonald, and served as Claims Administrator for the remainder of the contract period. The City then entered into a contract directly with TALX in July 2003 for one year.

As the current contract neared expiration, bids were solicited yielding proposals from three vendors: JonJay Associates, Inc., DeGroot Management Services and TALX UCeXpress. A review and analysis of the proposals received has resulted in this recommendation of continuing services of the current administrator, TALX UCeXpress, for a three-year contract period.

During the past year, TALX has demonstrated its effectiveness in claims administration by reducing the City's unemployment liability more than \$149,000 in 2003 and increasing credits to over \$19,000. These numbers indicate improvements of 25% and 16% respectively.

TALX now offers an expanded website to provide client-specific claims data. The web-based database includes features such as customized reporting that allows for improved communication and data manipulation to maximize effectiveness and cost control.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-70

Ordinance No. 2004-147
(Int. No. 217)

Establishing Maximum Annual Compensation For A Professional Services Agreement For Administration Of Unemployment Insurance Claims

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$8,300, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and TALX UCeXpress for administration of unemployment insurance claims for a term of three years. Said amounts shall be funded from the 2004-05 and subsequent Budgets for Undistributed Expense, subject to approval of said budgets.

Section 2. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-148
Re: Agreement - Safe Kids Project

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the Children's Institute for the receipt and use of funds for the Safe Kids project in the amount of \$15,000. Funds are included in the 2003-04 Budget.

This award will primarily cover the salary of a Counseling Specialist, a temporary position on the Police Department's Family Crisis Intervention Team (FACIT). The specialist will have primary responsibility for identifying families with a child under the age of seven who has been exposed to violence and referring that family to the SAFE Kids program. The staff funded by this program will serve as the primary link between the various agencies, to ensure that children and their families receive counseling and advocacy services.

SAFE Kids is a joint program of the Police Department, the Society for the Protection and Care of Children and other local agencies, using federal funding awarded to Monroe County under the Safe Start Initiative. The Children's Institute is the local fiduciary agent for the grant.

There is no local match required for this grant, which expires on October 1, 2004. This represents a renewal of an agreement most recently authorized by City Council on December 23, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-71

Ordinance No. 2004-148
(Int. No. 218)

Authorizing An Agreement For The Safe Kids Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Children's Institute for the receipt of funds for the Safe Kids Project.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-149
Re: Agreement - Police Complaint Management Services
R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing renewal of an agreement with the Center for Dispute Settlement, Inc. (CDS), 300 State Street, Suite 301, Rochester, NY 14614, for the provision of

complaint management services. The maximum cost of the agreement is \$108,800, the same amount as the previous contract, which will be funded from the 2004-05 Budget of the Police Department.

CDS will continue to administer the civilian complaint review process established by City Council in 1992. Their services will include: selection and training of panelists; conduct of hearings; maintenance of related records; conciliation for less serious complaints against RPD personnel; and providing civilian panelists for Sec. 75 hearings. CDS will also provide complaint intake services at its offices, for individuals who do not wish to come to Police Department offices. During calendar 2003, CDS administered 49 Citizen Review Board hearings and two Conciliations.

The most recent agreement for this purpose was by authorized by City Council on July 22, 2003. The proposed agreement continues the provisions of previous contracts.

Respectfully submitted,
William A. Johnson, Jr.,
Mayor

Attachment No. AD-72

Ordinance No. 2004-149
(Int. No. 219)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$108,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the continuation of services relating to citizen complaints involving members of the Rochester Police Department. Said amount shall be funded from the 2004-05 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-150
Re: Agreement - Pre-Employment
Psychological Screening Services
for Police Recruit Candidates

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with Law Enforcement Psychological Associates, 448 White Spruce Boulevard, Rochester, NY 14623, whose principal consultant is Dr. Jay Supnick. Under the proposed agreement, the consultant will provide pre-employment mental health screening for police recruits. Services include: administration, scoring, and evaluation of MMPI and IPI psychological tests; psychological and psychiatric interviews with candidates; in-depth interviewing where indicated; preparation of written reports on

each candidate; meetings with representatives of the Bureau of Human Resources Management and the Police Department; and testimony before the Civil Service Commission as needed.

The current consultant, Hamilton Associates, has provided psychological testing services for RPD since 1996. Although services have been satisfactory, the Department determined that it would be beneficial to periodically evaluate provision of these services and solicit additional consultant proposals.

Law Enforcement Psychological Associates was selected based primarily on the qualifications of the primary evaluators to be assigned to the project, quality of the proposal, and the subsequent interview process. The agreement will cover the period July 1, 2004 through June 30, 2006, with an option to renew for three additional one year periods. The cost of the agreement is estimated at \$130,000 for the year ending June 30, 2005. This amount is intended to cover screening of candidates for two recruit classes. A similar amount will be requested for services in subsequent years, depending on the number of recruits and funding available in the Police Department budget. Funding for the first year is available in the 2004-05 Budget of the Police Department, contingent upon City Council's approval of the budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-73

Ordinance No. 2004-150
(Int. No. 220)

Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$130,000, or so much thereof as may be necessary, is hereby established as the first year's compensation to be paid for a professional services agreement between the City and Law Enforcement Psychological Associates for psychological and psychiatric evaluations of police officer candidates. Said amount shall be funded from the 2004-05 Budget of the Rochester Police Department. The agreement shall extend for two years, with three additional one-year renewal options. The amounts for additional years shall not to exceed the sums set forth in the annual budgets of the Rochester Police Department for said purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-151
Re: Agreement - Law Enforcement
Psychological Associates

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation

authorizing an agreement with Law Enforcement Psychological Associates, LEPA, for the provision of pre-employment psychological screening for firefighter candidates. Currently all candidates undergo a background investigation conducted by staff from the Department and a medical exam. It is our intention to add a psychological screening as a third part of the background investigation. These screenings are intended to provide the Fire Department with information regarding the suitability of individual candidates for firefighting. The agreement has an initial term of two years with provision for renewal for three one-year periods.

The pre-employment psychological screening will provide a reliable, valid and culturally unbiased assessment of a candidate's ability to succeed in a career in firefighting. LEPA will administer four tests that address factors predictive of firefighting job success: emotional stability, normal personality, personality disorders and general intelligence. LEPA will then integrate the results with an interview conducted by a psychologist to develop a composite picture of each candidate's ability to adjust to the demands of firefighting. A psychological report with a statement of strengths and weaknesses and a recommended/not recommended suitability rating will be prepared for each candidate.

Although the Fire Department hires an average of 19 firefighters a year, as many as 40 candidates may be considered. The cost of the test, the interview and the psychological report is \$320 per candidate. Special services, such as appearances at Civil Service Commission meetings and subpoenas for court testimony, will be paid for, as needed, at fixed cost rates. The estimated cost on a yearly basis for the agreement is \$12,800, and will be funded from the 2004-05 and future Budgets of the Fire Department.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-151
(Int. No. 221)

Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Fire Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$12,800, or so much thereof as may be necessary, is hereby established as the first year's compensation to be paid for a professional services agreement between the City and Law Enforcement Psychological Associates for psychological evaluations of firefighter candidates. Said amount shall be funded from the 2004-05 Budget of the Rochester Fire Department. The agreement shall extend for two years, with three additional one-year renewal options. The amounts for additional years shall not to exceed the sums set forth in the annual budgets of the Rochester Fire Department for said purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-14

Re: Reappointments - Civil Service Commission

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the reappointments of two members to the Civil Service Commission of the City of Rochester.

Thomas Hampson
83 Berkeley Street

Luis Zamot
46 Roxborough Road

Mr. Hampson's original appointment, filling the unexpired term of a former member, was confirmed by the City Council on September 16, 1997. His reappointment for a full term, will extend through May 31, 2010.

Mr. Zamot's original appointment, to fill a vacancy, was confirmed by City Council on January 18, 2000. His reappointment for a full term, will extend through May 31, 2010.

Copies of their resumes are on file in the City Clerk's office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-14
(Int. No. 222)

Resolution Approving Reappointments To The Civil Service Commission Of The City Of Rochester

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointments of Thomas Hampson, 83 Berkeley Street, and Luis Zamot, 46 Roxborough Road, to the Civil Service Commission of the City of Rochester for terms which shall expire on May 31, 2010.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-152
Re: Budget Amendment - Library Services - \$51,600

Transmitted herewith for your approval is an amendment to the Proposed 2004-05 Budget transferring \$51,600 from the Contingency Account as follows:

1. \$20,000 to the Library to fund four hours each Saturday during the summer, at the Lincoln and Arnett branches of the Community Library;
2. \$1,600 to Undistributed to account for benefit costs associated with those additional hours;
3. \$30,000 to Cash Capital to purchase additional books for the Library collection, with a special focus on additional Spanish language materials for the Lincoln Branch.

Rochester 2010: The Renaissance Plan enjoins the City to "promote, enhance and protect our city's ...educational resources," and "to deliver quality services, programs and information to all our citizens in a timely manner." It is especially critical that our children have the resources of the Library available to them as a key part of their ongoing education. Library services are a most cost-effective way to open young minds and entice them to savor the joys of learning.

During the Budget hearings, it became clear that a substantial portion of the Library's State aid was in jeopardy. The reduction in the number of service hours threatened to leave them below the minimum standard required to be eligible to receive State aid. The addition of four hours each Saturday during the summer will meet the State regulations that enable the Library to count Saturday hours at those branches for the entire year, and will eliminate the threat to State funding.

In addition, the cuts that have been made during the past few years to the acquisition budget have seriously handicapped the Library's ability to keep their collection current. That handicap is especially apparent in the case of the Spanish language collection that resides at the Lincoln Branch. The proposed allocation of an additional \$30,000 will provide the ability to bring in some new books in both English and Spanish.

Respectfully submitted,
Lois J. Giess Gladys Santiago
President Vice President

Ordinance No. 2004-152
(Int. No. 227A)

Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To Resources For The Community Library - \$51,600

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City of Rochester is hereby amended by transferring \$51,600 from the Contingency Account as follows: \$20,000 to the Library to fund four hours of operation each Saturday during the summer at the Lincoln and Arnett branches of the Community Library; \$1,600 to Undistributed to account for benefit costs associated with those additional hours; and \$30,000 to Cash Capital to purchase additional books for the Community Library collection, with a special focus on additional Spanish language materials for the Lincoln Branch.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-153
Re: Budget Amendment - Additional
Police Recruits - \$137,500

Transmitted herewith for your approval is an amendment to the proposed 2004-05 budget transferring \$137,500 from Cash Capital (Trails Account) to the Police Department and Undistributed Account to provide resources for five additional positions in the upcoming Fall recruit class.

Rochester 2010: The Renaissance Plan speaks of the City's commitment to public safety, a commitment that is especially apparent in our provision of Police resources. During the Budget hearings, Chief Duffy noted that 135 uniformed officers will be eligible for retirement between the present time and the end of the coming fiscal year. Should a substantial number of them exercise this option, the Department would be hard pressed to maintain its authorized strength of 706 uniformed officers.

The proposed amendment would provide resources to bring the Fall recruit class from 30 to 35 individuals, thereby reducing somewhat the potential negative impact of the impending retirements. The source of the funding, the Trail Allocation, was established by City Council in June 2000. The intent of the program is to provide an annual allocation of \$250,000 to ensure that the trail system, along with key links to City neighborhoods, will become a reality.

The transfer of \$137,500 will leave a balance of \$112,500 in the coming year's allocation; along with those funds, the prior year's allocation is still available, ensuring that the program will be able to be continued during 2004-05.

Respectfully submitted,
Benjamin L. Douglas Gladys Santiago
Chair, Finance & Public Vice President
Safety Committee

Ordinance No. 2004-153
(Int. No. 227B, As Amended)

Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To Additional Police Recruits - \$137,500

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City of Rochester is hereby amended by transferring \$113,000 from the [Contingency Account] Cash Capital (Trails Account) to the Police Department and \$24,500 from the [Contingency Account] Cash Capital (Trails Account) to the Undistributed Account to provide funds for five additional police recruits in the upcoming Fall recruit class.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Norwood, Pritchard, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, Mains, McFadden - 3.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-154
Re: Budget Amendment - Violence

Against Women Ad Campaign - \$5,000

Transmitted herewith for your approval is an amendment to the proposed 2004-05 Budget transferring \$5,000 from the Contingency Account to the City Council/City Clerk to develop a bilingual advertising campaign to address the growing problem of violence against women.

Unfortunately, violence against women remains a problem both within our community and throughout the entire region. A significant number of homicides each year involve female victims of boyfriends, husbands, or male relatives, and it is nationally recognized that rape remains a highly under-reported crime. It is obvious that the criminality of violence against women needs to be highlighted again.

Heightened awareness of and education about this particularly brutal cycle of violence is desperately needed. *Rochester 2010: The Renaissance Plan* aims to "Create the safest community in New York State in terms of our per capita rate of crime, fires and accidents." We firmly believe that gender-based inequity and violence should not be tolerated, least of all in the hometown of legendary women's rights activist Susan B. Anthony.

It is our intention that the City sponsor the creation of this advertising campaign and seek collaboration with other community leaders and institutions to support the production and dissemination of the campaign message. Violence against women knows no geographic boundaries; in this time of tight budgets, collaborative efforts are all the more necessary to execute projects that benefit the greater community.

Respectfully submitted,
Gladys Santiago Vice President
Lois J. Giess President

Ordinance No. 2004-154
(Int. No. 227C)

Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To The Development Of A Violence Against Women Ad Campaign - \$5,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City Of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the City Council and Clerk to fund the development of a Violence Against Women Ad Campaign.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:
Ayes - President Giess, Councilmembers Douglas, Norwood, Pritchard, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, Mains, McFadden - 3.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-155
Re: Budget Amendment - Rochester Recreation Swim Team - \$13,500

Transmitted herewith for your approval is an amend-

ment to the Proposed 2004-05 Budget transferring \$13,500 from the Contingency Account to the Department of Parks, Recreation, and Human Services to restore funding for the Rochester Recreation Swim Team.

The Rochester Recreation Swim Team has a decades-old tradition of providing children with the opportunity to participate in competitive swimming. This staple of City recreation programs is both popular and venerable. It teaches youth invaluable swimming skills, the rigors of competition, and demonstrates the importance of dedication and teamwork.

According to *Rochester 2010: The Renaissance Plan*, promoting "...health and human services...that [are] supportive of the priorities of neighborhoods and families" is identified as an important component of Health, Safety and Responsibility in our City. This program has provided a major vehicle for growth and development of our children for decades. The restoration of these funds will allow it to continue serving youth at a very affordable cost.

Respectfully submitted,
Adam C. McFadden Councilmember South District
Robert J. Stevenson Councilmember Northwest District

Ordinance No. 2004-155
(Int. No. 227D)

Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To The Rochester Recreation Swim Team- \$13,500

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City Of Rochester is hereby amended by transferring \$13,500 from the Contingency Account to the Department of Parks, Recreation and Human Services to fund the Rochester Recreation Swim Team.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-156
Re: Budget Amendment - Wordcrafters Program - \$17,100

Transmitted herewith for your approval is an amendment to the Proposed 2004-05 Budget transferring \$17,100 from the Contingency Account to the Department of Parks, Recreation and Human Services for the restoration of the Wordcrafters Program.

This successful program has been part of the City's educational activities since its inception at City Recreation Centers in 1985. Over the past nineteen years, many hundreds of individuals have participated and books of fiction, non-fiction, poetry and drama have

been produced.

Rochester 2010: The Renaissance Plan commits the City to support the highest quality educational opportunities for our citizens on a life-long basis. The Wordcrafters Program involves a series of language arts workshops designed to enhance language ability and creative expression for people of all ages and abilities through writing, reading and the spoken word. This is the second year in a row that Council has expressed its commitment to life-long learning for Rochester citizens by restoring this program.

Respectfully submitted,
Tim O. Mains
Councilmember-at-Large

Gladys Santiago
Vice President

Ordinance No. 2004-156
(Int. No. 227E)

Amending The Proposed 2004-05 Budget In Regard To The Wordcrafters Program - \$17,100

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City of Rochester is hereby amended by transferring \$17,100 from the Contingency Account to the Department of Parks, Recreation and Human Services for restoration of the Wordcrafters Program.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers Curran, McFadden - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-157
Re: Budget Amendment -Rochester
Philharmonic Orchestra - \$25,000

Transmitted herewith for your approval is an amendment to the Proposed 2004-05 Budget transferring \$25,000 from the Contingency Account to the Department of Parks, Recreation and Human Services for partial restoration of City support of the Rochester Philharmonic Orchestra (RPO) concert series.

Rochester is blessed to have its own internationally recognized orchestra. The City-sponsored series of free concerts makes this artistic and cultural asset available to all Rochester citizens. This support is of particular value to those who cannot otherwise afford to hear the orchestra, especially many of the young people of our City who might never otherwise have the opportunity to hear such musical excellence first-hand.

The current fiscal difficulties led to the reduction of \$75,000 in the City's annual support of the RPO. The proposed amendment would restore \$25,000 of that amount. In *Rochester 2010: The Renaissance Plan*, the City encourages citizens to participate in our diverse artistic and cultural activities. Restoration of these funds enables this participation, promotes community pride, and helps establish our city as a world class cultural center in the eyes of our own citizens.

Respectfully submitted,
Lois J. Giess
President

Benjamin L. Douglas
Chair, Finance & Public
Safety Committee

Ordinance No. 2004-157
(Int. No. 227F)

Amending The Proposed 2004-05 Budget In Regard To The Rochester Philharmonic Orchestra - \$25,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City of Rochester is hereby amended by transferring \$25,000 from the Contingency Account to the Department of Parks, Recreation and Human Services for partial restoration of funding for the Rochester Philharmonic Orchestra free concert series.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers Curran, McFadden - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-158
Re: Budget Amendment -Maplewood
Rose Festival - \$7,600

Transmitted herewith for your approval is an amendment to the Proposed 2004-05 Budget transferring \$7,600 from the Contingency Account to the Department of Parks, Recreation and Human Services for restoration of City support of the Maplewood Rose Festival.

For many years, the Rose Garden and its Rose Festival have earned Rochester international recognition for citizen involvement in maintaining and supporting an outstanding floral exhibition. Civic pride and commitment are strongly reinforced by this annual display, and it requires a modest amount of support for the great dividends it pays.

Rochester 2010: The Renaissance Plan commits the City to joining with citizens in meeting many of the objectives that the Rose Festival exemplifies: participation by citizens in their neighborhood's quality of life, stewardship of our historic parks system, and promotion of Rochester as a tourism destination.

Respectfully submitted,
Robert J. Stevenson
Councilmember
Northwest District

Lois J. Giess
President

Ordinance No. 2004-158
(Int. No. 227G)

Amending The Proposed 2004-05 Budget In Regard To The Maplewood Rose Festival - \$7,600

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 2004-05 Proposed Budget of the City of Rochester is hereby amended by transferring \$7,600 from the Contingency Account to the Department of Parks, Recreation and Human Services for restoration of Maplewood Rose Festival support.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Norwood, Pritchard, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, Mains, McFadden - 3.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-159
Re: Budget Amendment -Neighborhood
Block Parties & Clean Ups - \$10,500

Transmitted herewith for your approval is an amendment to the Proposed 2004-05 Budget transferring \$10,500 from the Contingency Account to the Department of Environmental Services to support neighborhood block parties and clean up events.

Too often neighbors only come together in times of crisis. Block parties and neighborhood clean ups keep neighbors connected by instilling a sense of belonging to and caring for their streets. As noted in *Rochester 2010: The Renaissance Plan*, such activities foster citizens' desire and ability to "take responsibility for their neighborhoods" and "serve to 'knit' [the] community together".

In this difficult fiscal time, it important that Council find ways to support these key aspects of the Plan's first campaign, Involved Citizens. This relatively small sum will allow neighborhoods to continue the important work of our Neighbors Building Neighborhoods program.

Respectfully submitted,
Wade S. Norwood
Councilmember-at-Large
Adam C. McFadden
Councilmember
South District

Ordinance No. 2004-159
(Int. No. 227H)

Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To Neighborhood Block Parties And Clean Ups - \$10,500

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City Of Rochester is hereby amended by transferring \$10,500 from the Contingency Account to the Department of Environmental Services to fund support for neighborhood block parties and clean up events.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers Curran, Mains - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-160
Re: Budget Amendment - Industrial
Development - \$20,000

Transmitted herewith for your approval is an amendment to the Proposed 2004-05 Budget transferring \$20,000 from the Contingency Account to the Department of Economic Development (EDD) to support the activities of the Industrial Development unit.

City support of industrial businesses and the use and redevelopment of industrial land is critical to the health of our City. As documented in *Rochester 2010: The Renaissance Plan*, our City is committed to Environmental Stewardship and Economic Vitality. We strive to "reclaim designated 'brownfields' and other contaminated land, facilities and waterways for useful, productive development" and work to "promote a business support environment that facilitates the expansion and retention of existing businesses and the attraction and creation of new businesses...."

In addition, job creation and retention, especially in the area of manufacturing jobs, has been one of City Council's highest priorities.

In response to the fiscal challenges of the coming year, a position being vacated through a retirement in the Industrial Development unit of EDD was eliminated. This reduced staffing from seven to six, a situation that could impede both the continued growth of critical manufacturing employment and the efficient use of New York State's new Brownfields Program.

This amendment will allow EDD to contract for services on an as-needed basis to expedite projects that will create or retain industrial jobs.

Respectfully submitted,
William F. Pritchard
Councilmember-at-Large
Benjamin L. Douglas
Chair, Finance & Public
Safety Committee

Ordinance No. 2004-160
(Int. No. 227I)

Amending The Proposed 2004-05 Budget Of The City Of Rochester In Regard To Industrial Development - \$20,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City Of Rochester is hereby amended by transferring \$20,000 from the Contingency Account to the Economic Development Department to fund additional resources for Industrial Development.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Norwood, Pritchard, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, Mains, McFadden - 3.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-161
Re: Budget Amendment - NET -
Certificates of Use - \$163,500

Transmitted herewith for your approval is an amendment to the proposed 2004-05 Budget transferring \$163,500 from the Administration (NET) to Contingency. This transfer reflects the fact that City Council has not yet acted upon the proposed legislation to authorize the enhancements to the Certificate of Use (C of U) program.

The length and extent of the 2004-05 Budget review has not permitted sufficient time for concurrent consideration of that C of U legislation. Accordingly, it would be premature to appropriate the funds to the NET budget at the time of acting on the 2004-05 Budget.

Transfer of these funds to the Contingency Account will ensure that they remain available for implementation of any modifications to the C of U program that Council may subsequently approve. It is anticipated that Council will consider the proposed changes at the July 27 Council Meeting.

Respectfully submitted,
William F. Pritchard
Councilmember
At-Large

Wade S. Norwood
Councilmember
At-Large

Ordinance No. 2004-161
(Int. No. 227J)

**Amending The Proposed 2004-05 Budget In
Regard To The Budget Of The Administration
(NET) - \$163,500**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City of Rochester is hereby amended by transferring \$163,500 from the Administration (NET) to the Contingency Account until such time as Council enacts changes to the Certificate of Use program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-15
Re: Resolution of Budgetary
Intent - NET Evaluation

Transmitted herewith for your approval is a resolution of budgetary intent recommending the use of the proposed allocation of \$100,000 for Efficiency and Effectiveness Initiatives to conduct an evaluation of the NET program.

As you know, NET was begun in 1997 and has grown incrementally since then both in the size of its staff and in the scope of activities it addresses. Many of the approaches that NET has taken have resulted in improvements to the quality of life of our citizens. Other approaches have been well intended but less successful.

NET often seems trapped between the rising demands of citizens for stricter enforcement of City Codes and the limits of both staff and other resources to respond to those demands. Sometimes, the demands are well beyond what could be termed reasonable, and other times they reflect the particular interests of a small but vocal minority within a particular area.

After seven years of this new program, it is our belief that it would be beneficial to look at the functions of the NET offices, their relationships with the various neighborhoods and sectors they serve, and evaluate the cost effectiveness in light of their mission.

In an era of declining public resources, it will be essential that we focus on ensuring that the functions that NET performs well, and for which they are the principal or only responsible agency, are adequately supported, and that any peripheral activities are eliminated or transferred to another department or agency.

Respectfully submitted,
William F. Pritchard
Councilmember
At-Large

Tim O. Mains
Councilmember
At-Large

Resolution No. 2004-15
(Int. No. 227K)

Resolution of Budgetary Intent - NET Evaluation

WHEREAS, in 1997 the City began the NET initiative, replacing the separate Code Enforcement responsibilities then provided by the Department of Community Development and the Department of Environmental Services with a decentralized, sector-based approach, and

WHEREAS, the NET initiative also brought in the resources of the Rochester Police Department, with a positive coordination between uniformed and civilian personnel, and

WHEREAS, the continuing evolution of NET has resulted in additional resources, both staff and support, increasing the cost to City taxpayers as NET seeks to address persistent problems, and

WHEREAS, there is a growing sense of concern about the scope of expectations for NET, especially in an era of declining resources, and

WHEREAS, after seven years, it seems appropriate to step back and engage outside resources to evaluate the state of and future directions for NET,

BE IT THEREFORE RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby requested to utilize the allocation of \$100,000 for Efficiency and Effectiveness Initiatives within the Undistributed Account, or so much of said amount as is necessary, to engage a consultant to review the NET initiative, to evaluate performance to date, and to recommend future directions for NET.

Section 2. The Council requests that such a report be completed and submitted to Council for review during the third quarter of 2005.

Section 3. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 227L
Re: Budget Amendment - Contingency
Transfers - \$3,600,000

Transmitted herewith for your approval is an amendment to the proposed 2004-05 budget transferring \$3,600,000 from multiple sources to the Contingency Account as follows:

- Reduce Cash Capital by \$400,000 (Land Acquisition) from \$1,200,000 to \$800,000.
- Reduce Cash Capital by \$225,000 (Trails Allocation) from \$250,000 to \$25,000.
- Reduce Cash Capital by \$1,300,000 (Reconstruction of Jefferson Avenue and Brown St.) from \$1,600,000 to \$300,000 and assign the remaining \$1,300,000 cost of those projects to debt financing as was initially planned in the CIP. This can be accomplished within the proposed debt authorization limit by deferring all or part of the financing of a currently planned project from 2004-05 to the next year.
- Transfer \$475,000 from the reserve fund "Fund for the City's Future" to the Contingency Account.
- Transfer \$1,200,000 from the reserve fund "Consolidation Incentive Fund" to the Contingency Account.

In total, these transfers will increase the Contingency Account by \$3,600,000.

Respectfully submitted,
Brian F. Curran
Councilmember
At-Large

Tim O. Mains
Councilmember
At-Large

Adam C. McFadden
Councilmember
South District

William F. Pritchard
Councilmember
At-Large

Introductory No. 227L

AMENDING THE PROPOSED 2004-05 BUDGET OF THE CITY OF ROCHESTER IN REGARD TO TRANSFERS TO THE CONTINGENCY ACCOUNT - \$3,600,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City of Rochester is hereby amended by the following transfers to the Contingency Account:

- \$400,000 from Cash Capital (Land Acquisition)
- \$225,000 from Cash Capital (Trails)
- \$1,300,000 from Cash Capital (Transportation - Jefferson Ave. & Brown St.)
- \$475,000 from the Fund for the City's Future

\$1,200,000 from the Consolidation Incentive Fund.

Section 2. This ordinance shall take effect immediately.

Item failed in committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-162, 2004-163, 2004-164, 2004-165, 2004-166, Local Improvement Ordinance No. 1536, Resolution No. 2004-16, Ordinance Nos. 2004-167, 2004-168, 2004-169, 2004-170, 2004-171, Local Law No. 5, Ordinance Nos. 2004-172, 2004-173, and 2004-174
Re: 2004-05 Budget

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the 2004-05 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and the City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and sidewalk districts
 - e. Merchants/Winton open space district
 - f. Downtown Guide District
 - g. Downtown Enhancement District
 - h. High Falls Improvement District;
5. Confirm the addition to the tax roll of various assessments, fees and unpaid charges;
6. Authorize an increase in local works rates;
7. Authorize an increase in residential refuse rates;
8. Authorize an increase in parking rates;
9. Authorize fee increases for various City services; and
10. Establish the Debt Limit, Debt Rollover and Debt Extension.

The 2004-05 proposed budget of the City was submitted to City Council on May 20. The proposed legislation is based upon this budget which provides for:

1. Total appropriations of \$955,882,029 allocated for the City and the School District as follows:

	Proposed 2004-05	Dollar Difference	Percent Difference
		Amended 2003-04	
City	\$387,068,000	\$24,329,900	
		\$362,738,100	6.7
School	568,814,029	-8,711,964	
		577,525,993	-1.5
Total	\$955,882,029	\$15,617,936	
		\$940,264,093	1.7

Total non-tax revenue distributed between the City and the District as follows:

	Proposed 2004-05	Dollar Difference	Percent Difference
		Amended 2003-04	
City	\$343,155,021	\$22,930,321	
		\$320,224,700	7.2
School	471,374,570	-8,711,964	
		480,086,534	-1.8
Total	\$814,529,591	\$14,218,357	
		\$800,311,234	1.8

2. Total tax levies of \$149,579,300 for the City and City School District as follows:

	Proposed 2004-05	Dollar Difference	Percent Difference
		Amended 2003-04	
Tax Revenue	\$141,352,438	\$1,399,545	
		\$139,952,893	1.0
Tax Reserve	8,226,862	- 81,455	
		8,145,407	1.0
Tax Levy	\$149,579,300	\$1,481,000	
		\$148,098,300	1.0

3. Total appropriations for the Local Works fund of \$12,529,600 and total assessments of \$12,662,400.

	Proposed 2004-05	Dollar Difference	Percent Difference
		Amended 2003-04	
Street Cleaning	\$ 1,832,922	\$ 72,071	
		\$ 1,760,851	4.1
Sidewalk Repair	\$ 1,113,983	26,045	
		\$ 1,087,938	2.4
Roadway Plowing	\$ 8,223,369	292,182	
		7,931,187	3.7
Sidewalk Plowing	1,492,126	72,902	
		1,419,224	5.1
Total	\$12,662,400	\$463,200	
		\$12,199,200	3.8

4. The budgets for the Public Market and street malls were approved on February 24, 2004. The budgets for the lighting and sidewalk and open space districts, Downtown Guides, and Downtown Enhancement Districts were approved on April 20, 2004. The assessments required for the various programs consist of the following:

	Proposed 2004-05	Dollar Difference	Percent Difference
		Amended 2003-04	
Street Malls	\$ 86,685	\$ 3,634	
		\$ 83,051	4.4
Parking Lots	62,878	-5,622	
		68,500	-8.2
Public Market	31,971	8,362	
		23,609	35.4
Lighting and Sidewalks		-1,000	
		35,348	-2.8
Open Space District	3,220	0	
		3,220	0
Downtown Guides	302,916	-12,344	
		315,260	-3.9
Downtown Enhancement	531,700	21,600	
		510,100	4.2
High Falls Improvement District	25,000	25,000	
		0	100

5. The proposed additions to the tax roll consist of the following charges:

	Proposed 2004-05	Dollar Difference	Percent Difference
		Amended 2003-04	
Delinquent Refuse	\$ 507,586	-\$ 26,130	
		\$ 533,716	-4.9
Delinquent Water	6,306,532	648,369	
		5,658,163	11.5
Code Enforcement	34,093	-13,662	
		47,755	-28.6
Supplemental and Omitted Taxes	626,823	306,708	
		320,115	95.8
Local Improvements	90,568	-13,210	
		103,778	-12.7
Encroachments	5,150	-25	
		5,175	-0.5
Rehabilitation/Demolition	114,768	41,380	
		73,388	56.4
Code Violations	2,051,761	351,716	
		1,700,045	20.7

6. A local works rate increase of 4.0% is proposed to balance the Local Works Fund. The proposed increase is expected to result in a net increase of \$428,000 in local works revenue.

- 7. A refuse rate increase of 12% for one, two, and three family residences is proposed to balance the refuse fund. The proposed increase is expected to result in a net increase of \$1,624,800 in residential collection revenue.
- 8. Parking rate increases, which vary by garage, increase revenue by \$351,200 and are necessary to balance the parking fund.
- 9. Amending the City Code for proposed departmental fee and fine increases will result in incremental revenues of approximately \$270,400 to the following Departments:

City Clerk	\$ 6,200
Finance	68,200
Environmental Services	69,500
Police	96,900
Fire	29,600
	\$270,400

In addition, the Department of Parks, Recreation and Human Services has proposed increases in administrative fees totaling \$44,700.

- 10. Debt Limit, Debt Rollover and Debt Extension

2004-05 Debt Limit

The Debt Limit for tax supported borrowing is equal to the amount of principal on outstanding debt to be redeemed during the fiscal year for which the limit is established. The calculation excludes the redemption of principal on any borrowing approved as an exception to the Debt Limit (e.g. the Public Safety Building) and is further reduced by specific revenues attributable to bonded debt (e.g. Library Foundation Reimbursement).

The Debt Limit for 2004-05 is \$16,148,000. The attached Debt Authorization Plan calls for borrowing of \$16,098,000 in tax supported funds and an additional \$6,255,000 from Enterprise Funds.

Debt Rollover 2003-04 and 2002-03

The current fiscal year and the two immediately prior fiscal years Debt Authorization Plans are considered open so long as the rollover amounts are approved. This permits flexibility in the timing of authorizations which may vary depending upon project timing, availability of supporting funds, and the participation of private sector partners. The rollover amounts equal the difference between the debt limit for any fiscal year and the sum of the authorizations made from the debt plan associated with that fiscal year. This sum may be further reduced by the amount of items in the debt plan, unauthorized, that are deemed as no longer necessary. The presentation of the rollover also includes any modifications made to the debt plan. Such rollovers do not result in authorizations exceeding the allowable authorization for any year.

2003-04: The Debt Limit for this year is \$16,596,000. Of that amount \$3,575,000 has been authorized, leaving a balance of \$13,021,000. Approval of a rollover in that

amount is requested.

The plan has been modified to include an additional \$346,000 for Milling, Resurfacing and Curb Replacement. This amount had previously been available but unprogrammed. A reduction of \$150,000 in the plan for P-43 Public Safety Facility Improvements reflects a debt for cash swap to fund the move to east and west side interim facilities for the Rochester Police Department. An offsetting increase is made in the G-7 CSX Acquisitions item. An additional \$265,000 is programmed for R-5 DPRHS Motor Vehicles with a corresponding decrease in G-8 Gateway Improvements resulting from exchanges made to fund the Adopt-a-Lot and Graffiti programs from the general fund. The attached Debt Authorization Plan for 2003-04 itemizes projects remaining for that year.

2002-03: The Debt Limit for this year is \$16,672,000. Of that amount \$12,408,000 has been authorized, leaving a balance of \$4,264,000. Approval of a rollover in that amount is requested.

This plan has not been modified. The attached Debt Authorization Plan for 2002-03 itemizes projects remaining for that year.

Time Limit Extensions for 2001-02 and 2000-01

Time limit extensions are requested when projects are delayed beyond two years by market forces, significant reprogramming of funds or other circumstances that justify carrying these authorizations beyond their expected authorization dates. Approval of extensions does not result in exceeding the allowable authorization for any fiscal year but is required by City Council Resolution. Extensions acknowledge the importance of this items as well as the fact that future replacement funds are not likely to be available.

2001-02: The request for one-year extensions for the following items relate to programming and timing.

T-9 Broad Street Subway Tunnel (East Approach)	\$152,000
--	-----------

As final costs are uncertain it is prudent to retain this amount.

G-8 Gateway Improvements	200,000
--------------------------	---------

This is the balance remaining from an original amount of \$800,000. Funding for Gateway Improvements has been reduced. Retaining this amount will support further improvements of this type.

F-2 Hazardous Waste Remediation	550,000
---------------------------------	---------

The difficulties in determining when a remediation project might commence as well as the ongoing search for funding so that local funds might be spent last means that the work on two parcels, both former gas stations, will be authorized in the Summer of 2004.

G-8 Housing Opportunity Initiatives 462,000

This is the balance of a \$1,000,000 item originally programmed for the South River Corridor. Council was advised that these funds were being reprogrammed on behalf of nearer-term priorities. One of the projects in that reprogramming is scheduled to commence in 2004-05.

G-8 Brooks Landing 800,000

Various financial and regulatory delays effect this project to which the City remains committed.

G-8 Rail Right of Way Requisition 570,000

Funding for the purchase of parcels owned by CSX is spread across several fiscal years. Negotiations regarding this purchase continue.

2001-02 Extensions \$2,734,000

2000-01: City Council approved a one-year extension for three items from this year that involve Economic Development Initiatives. An additional extension, until June 30, 2005, is requested on the same bases that justified the first extension.

G-8 West Main Street	\$1,100,000
G-8 La Marketa	1,000,000
G-8 Brooks Landing	<u>1,850,000</u>
Total	<u>\$3,950,000</u>

Each of these projects depend on the partnership of developers and the cooperation of other governments. Like any business venture delays are inevitable when financial or regulatory obstacles delay implementation. At the same time the City must continue to demonstrate its good faith by the continued availability of these authorizations.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-74

Councilmember Curran moved to amend Introductory No. 227 with substitution of Introductory No. 227 L.

The motion was seconded by Councilmember McFadden.

The motion failed by the following vote:

Ayes - Councilmembers Curran, Mains, McFadden, Pritchard - 4.

Nays - President Giess, Councilmembers Douglas, Norwood, Santiago, Stevenson - 5.

Ordinance No. 2004-162
(Int. No. 227, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The 2004-05 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2004 to June 30, 2005, providing for the expenditure of \$387,068,000, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for municipal purposes for the fiscal year 2004-05 are hereby authorized to be expended and the sum of \$387,068,000 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk Administration	\$(1,474,400)	<u>1,479,400</u>
Community Development	[9,692,200]	<u>9,528,700</u>
Economic Development	5,853,100	
Environmental Services	[2,817,600]	<u>2,837,600</u>
Finance	[69,923,100]	<u>69,933,600</u>
Law	7,441,100	
Library	1,825,800	
Parks, Recreation, and Human Services	[9,971,600]	<u>9,991,600</u>
Emergency Communications	[17,663,600]	<u>17,726,800</u>
Police	8,326,400	
Fire	[63,513,400]	<u>63,626,400</u>
Undistributed Expenses	36,957,500	
Contingency	[85,563,000]	<u>85,589,100</u>
Cash Capital	[5,969,700]	<u>5,982,900</u>
Debt Service	[26,763,000]	<u>26,655,500</u>
	33,312,500	

Sub-total \$387,068,000

Tax Reserve \$ 2,555,782

Total \$389,623,782

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes and the School Tax Relief (STAR) funds, for municipal purposes for the fiscal year 2004-05 is hereby fixed and determined at \$343,155,021 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2004-05 providing for the raising of taxation on real estate for municipal purposes of the sum of \$46,468,761 is hereby adopted.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2004-05.

Section 6. This ordinance shall take effect on July 1, 2004.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Norwood, Pritchard, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, Mains, McFadden - 3.

Ordinance No. 2004-163
(Int. No. 228)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2004 And Expiring June 30, 2005

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The sum of \$46,468,761, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2004 and expiring June 30, 2005 the amount required to meet the budget estimates for municipal purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2004 and expiring June 30, 2005.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2004 and expiring June 30, 2005.

Section 3. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers Curran, McFadden - 2.

Ordinance No. 2004-164
(Int. No. 229)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2004 And Expiring June 30, 2005

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The following assessments, amounts and charges, and the allocation of said amounts against properties in the City, as set forth in roll or rolls on file in the City Clerk's Office, to be inserted into the annual tax rolls for the fiscal year commencing July 1, 2004 and expiring June 30, 2005 are hereby in all respects confirmed:

- Street and Lot Cleaning \$1,832,922.00
- Roadway Snow Removal 8,223,369.00
- Sidewalk Snow Removal 1,492,126.00
- Hazardous Sidewalk Repair 1,113,983.00
- Delinquent Refuse 507,585.84
- Delinquent Water Charges 6,306,531.95
- Supplemental Taxes 584,922.64
- Omitted Taxes 41,900.58
- Street Malls 78,297.00
- Arnold Park Monuments 8,387.75
- Parking Lots

- 62,878.00
- Code Enforcements 34,092.50
- Code Violations 2,051,761.00
- Local Improvements 90,568.17
- Downtown Enhancement 531,700.00
- Public Market Plowing 5,689.88
- Public Market Security 26,281.31
- Encroachment Fees 5,150.00
- Rehabilitation Charges 114,767.54
- Downtown Guides 302,916.00
- Lyell Avenue Street Lights - District I 2,105.41
- Lyell Avenue Street Lights - District II 2,310.36
- Wilson Blvd. Street Lights 523.85
- Blossom Road Lights 609.42
- Merchants/Winton Open Space 3,219.60
- Monroe Avenue Lights I 7,166.90
- Monroe Avenue Lights and Sidewalk II 9,560.38
- Norton Street District 4,121.09
- Cascade District 4,044.20
- Lake Avenue Lights 3,906.08
- High Falls Business Improvement District 25,000.00

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Curran moved to amend Introductory No. 230 by substituting with Introductory No. 230A.

The motion was seconded by Councilmember Mains.

The motion failed by the following vote:

Ayes - Councilmembers Curran, McFadden, Pritchard - 3.

Nays - President Giess, Councilmembers Douglas, Norwood, Santiago, Stevenson - 5.

Councilmember Mains abstained vote because he is an employee of the City School District.

Councilmember McFadden moved to amend Introductory No. 230 by substituting with Introductory No. 230B.

The motion was seconded by Councilmember Curran.

The motion failed by the following vote:

Ayes - Councilmembers Curran, McFadden, Pritchard - 3.

Nays - President Giess, Councilmembers Douglas, Norwood, Santiago, Stevenson - 5.
Councilmember Mains abstained vote because he is an employee of the City School District.

Ordinance No. 2004-165
(Int. No. 230)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2004 And Expiring June 30, 2005, And Appropriation Of Sums Set Forth Therein

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The budget estimate for school purposes for the fiscal year July 1, 2004 to June 30, 2005, providing for the expenditure of \$568,814,029, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for school purposes for the fiscal year 2004-05 are hereby authorized to be expended and the sum of \$568,814,029 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$529,304,215
Cash Capital	9,871,893
Debt Service	29,637,921
Subtotal	568,814,029
Tax Reserve	5,671,080
Total	\$574,485,109

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2004-05 is hereby fixed and determined at \$471,374,510 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2004-05 providing for the raising of taxation on real estate for school purposes of the sum of \$103,110,539 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Norwood, Pritchard, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, McFadden - 2.

Councilmember Mains abstained vote because he is an employee of the City School District.

Ordinance No. 2004-166
(Int. No. 231)

Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2004 And Expiring June 30, 2005

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The sum of \$103,110,539, which sum is deemed by the Council sufficient with other revenues

to produce from collection during the fiscal year commencing July 1, 2004 and expiring June 30, 2005 the amount required to meet the budget estimates for school purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2004 and expiring June 30, 2005.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2004 and expiring June 30, 2005.

Section 3. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Norwood, Pritchard, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, McFadden - 2.

Councilmember Mains abstained vote because he is an employee of the City School District.

Local Improvement Ordinance No. 1536
(Int. No. 232)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2004 And Expiring June 30, 2005

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The Council finds and declares (1) that it is in the public interest to provide street cleaning, snow removal services on the streets and sidewalks, and the repair of hazardous sidewalks in the City of Rochester during the fiscal year from July 1, 2004 to June 30, 2005; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefited properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2004 to June 30, 2005:

- A. The removal of snow from such sidewalks and the repair of such hazardous sidewalks as the Commissioner may direct.
- B. The removal of snow and ice from the roadway of such streets as the Commissioner may direct, including the use of sodium chloride, calcium chloride, and other chemicals or abrasives for the treatment of slippery or icy pavement as deemed necessary by the Commissioner.
- C. The cleaning and/or flushing of such streets as the Commissioner may direct, including hand-cleaning, tank flushing, mechanical sweeping, and the collection and removal of brush, leaves, and debris.

Section 3. Such work shall be done by competitive contract, or by the Department of Environmental Services, as the Commissioner of Environmental Services deems appropriate.

Section 4. The cost of providing such street cleaning and street snow removal services for the 2004-05 fiscal year shall be assessed against all parcels of property that abut a street, reflecting the benefit to be derived by such parcels from such services. The cost of providing such sidewalk repair and snow removal services for the 2004-05 fiscal year shall be assessed against all parcels of property that abut a sidewalk, reflecting the benefit to be derived by such parcels from such services.

Section 5. The amount assessed shall be allocated among all benefited parcels in direct proportion to each parcel's street or sidewalk footage, defined for purposes of this ordinance as the full footage of the parcel along the street or sidewalk upon which it fronts, plus one-third of the footage along any other abutting streets or sidewalks. The Council hereby determines that such street or sidewalk footage represents the relative amount of benefit received by each such parcel.

Section 6. The total cost of such services to be assessed on July 1, 2004 shall be \$12,662,400 consisting of \$1,832,922 for street and lot cleaning, \$1,113,983 for sidewalk repair, \$8,223,369 for roadway snow removal and \$1,492,126 for sidewalk snow removal services. Such total amount constitutes an estimate of the amount necessary to pay contractors to provide services and to cover the costs of providing services with City crews between July 1, 2004 and June 30, 2005, less any miscellaneous revenues estimated to be collected during the same period, plus a reasonable reserve for uncollected assessments. All assessments collected shall be paid into the Local Works Fund, and all costs incurred shall be paid from such fund. The amounts assessed herein are appropriated for that purpose.

Section 7. The amount assessed on July 1, 2004 shall be billed on the tax bill and shall be due in one installment. Delinquent assessments collected more than 60 days into a fiscal year subsequent to the fiscal year billed shall be credited as revenue in the year collected and applied against costs in that fiscal year.

Section 8. This ordinance shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Resolution No. 2004-16
(Int. No. 233)

Resolution Approving The 2004-05 Debt Limit For General Municipal Purposes

BE IT RESOLVED, by the Council of the City of Rochester as follows:

WHEREAS, an important component of the City's expense budget and tax levy is debt; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond rating; and

WHEREAS, control of the debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note

authorizations; and

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2004-05 to \$16,148,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2002-03 and 2003-04 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this fiscal year. By this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for fiscal year 2001-02 relating to the Broad Street Subway Tunnel, Gateway Improvements, Hazardous Waste Remediation, Housing Opportunity Initiatives, Brooks Landing, and Rail Right of Way Acquisition, and from the debt limit for fiscal year 2000-01 relating to West Main Street, La Marketa and Brooks Landing.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that to insure continued awareness of an adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2004-167
(Int. No. 234)

Amending The Municipal Code With Respect To Refuse Fees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 20-24 of the Municipal Code, Residential and commercial user refuse fees, as amended, is hereby further amended by amending subsection A(1) thereof to read in its entirety as follows:

(1) Fees:

Number of Dwelling Units	Annual Fee
1	\$302.00
2	605.00
3	671.00

Section 2. This ordinance shall take effect on July 1, 2004.
Passed unanimously.

Ordinance No. 2004-168
(Int. No. 235)

Amending The Municipal Code With Respect To Fees For Parking Garages

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 111-119 of the Municipal Code, relating to fees and hours of operation of parking garages, as amended, is hereby further amended as follows:

- a. Subsection A(1), relating to the daytime rates, is hereby amended to read in its entirety as follows:
 - (1) Daytime rates, which shall apply from 6:00 or 6:30 a.m. to 5:00 or 5:30 p.m., depending upon the garage, Monday through Friday, shall be \$0.40 for each half hour or any part thereof at the High Falls Garage and the Midtown Garage; and \$0.45 for each half hour or any part thereof at the Court Street Garage, Genesee Crossroads Garage, Sister Cities Garage, South Avenue Garage and Washington Square Garage. Notwithstanding the preceding, the Mayor and the Municipal Parking Coordinator are hereby authorized to establish a program allowing for student parking at the Midtown Garage at the reduced daytime rate of \$0.20 for each half hour or any part thereof.
- b. Subsection A(2), relating to the evening rate, is hereby amended to read in its entirety as follows:
 - (2) Evening rates.
 - (a) Midtown Garage, from 5:00 p.m. to closing: free.
 - (b) High Falls Garage, from 5:30 p.m. to closing: \$2, Sunday through Wednesday, and \$4, Thursday through Saturday.
 - (c) Court Street Garage, Genesee Crossroads Garage, Sister Cities Garage, South Avenue Garage and Washington Square Garage, from 5:30 p.m. to closing: \$4.
- c. Subsection A(4), relating to the maximum daily charge, is hereby amended to read in its entirety as follows:
 - (4) Maximum daily charge. The maximum amount chargeable per entry to a garage for parking during any weekday, including overnight, daytime and evening parking, shall be as follows:
 - (a) High Falls Garage: \$4.95.
 - (b) Court Street Garage, Genesee Crossroads Garage, Midtown Garage, Sister Cities Garage, South Avenue Garage and Washington Square Garage: \$6.35.

d. Subsection A(8) Saturday rates, is hereby deleted, Subsections A(9) and (10) are hereby renumbered as Subsections A(8) and (9) respectively, and Subsection A(5), relating to Sunday rates, is hereby amended to read in its entirety as follows:

(5) Weekend rates. The sum of \$4 shall be charged per entry for parking on Saturday or Sunday at the Court Street Garage, High Falls Garage and South Avenue Garage.

e. Subsections A(6)(a)-(h), relating to the monthly rates, as amended, are hereby further amended and replaced by the following new subsections A(6)(a)-(g), and the current subsections A(6)(i) and (j) are hereby relettered as subsections A(6)(h) and (i) respectively:

(a) Court Street Garage: \$75 for parking in the general area, \$43 for parking in the rooftop area, \$90 for parking in the premium area, and \$120 for parking in the reserved area.

(b) Genesee Crossroads Garage: \$75.

(c) High Falls Garage: \$59.

(d) Midtown Garage: \$74.

(e) Sister Cities Garage: \$75 for parking in the general area and \$90 for parking in the premium area.

(f) South Avenue Garage: \$75.

(g) Washington Square Garage: \$75 for parking in the north lot and in the general area of the garage, \$43 for parking in the rooftop area of the garage, \$90 for parking in the premium area of the garage, \$57 for parking in the south lot, and \$21 for parking in the Wadsworth Square Lot.

f. Subsection A(7), relating to the special events rate, as amended, is hereby further amended to read in its entirety as follows:

(7) The Municipal Parking Coordinator may designate times for special events parking, and extend or modify hours at the various parking garages to provide parking for special events. On such occasions, a special events rate of \$4 shall apply.

Section 2. Section 111-118 of the Municipal Code, relating to the establishment and designation of parking garages, as amended, is hereby further amended by deleting subsection B thereof, relating to the Mortimer Street Garage.

Section 3. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended by deleting the title "Manager of Municipal Parking" where it is contained therein and by inserting in its place the title "Municipal Parking Coordinator".

Section 4. This ordinance shall take effect on July 1, 2004, except that Subsection 1(e) shall take effect on August 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran,

Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember McFadden - 1.

Ordinance No. 2004-169
(Int. No. 236)

Amending The Municipal Code With Respect To Water Rates

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection B(1) thereof by changing the fee set therein for a 5/8 inch meter from \$90.00 to \$95.00.

Section 2. Section 23-37 of the Municipal Code, as amended, is hereby further amended by amending subsection E(5)(b) to read in its entirety as follows:

- (b) Furnish and install fire hydrant locking device: \$250.

Section 3. Section 23-37 of the Municipal Code, as amended, is hereby further amended by amending subsection E(5)(c)[1] to read in its entirety as follows:

- [1] Up to two hydrants: \$85.

Section 4. Section 23-37 of the Municipal Code, as amended, is hereby further amended by amending subsection F(2)(a) to read in its entirety as follows:

- (a) First attempt: \$55.

Section 5. Section 23-37 of the Municipal Code, as amended, is hereby further amended by amending subsection F(4) thereof to read in its entirety as follows:

- (4) Meter test charges (§ 23-13):
 - (a) Five-eighths-inch through one-inch: \$75.
 - (b) One-and-one-half-inch through two-inch: \$95.
 - (c) Three-inch and over: \$145.

Section 6. This ordinance shall take effect on July 1, 2004.

Passed unanimously.

Ordinance No. 2004-170
(Int. No. 237)

Amending The Municipal Code With Respect To Fees For Permits From The City Engineer

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 104-57 of the Municipal Code, relating to fees for permits from the City Engineer, as amended, is hereby further amended by amending subsections A and B thereof to read in their entirety as follows:

- A. Applications for permits required by this chap-

ter for the following activities or objects shall be made in writing to the City Engineer, shall contain such information as the City Engineer may require and shall be accompanied by the following fees. Where a permit from the City Engineer is required and no other fee is specified herein, the fee shall be \$55.

Activity or Object	Length of Permit
Code	
Section	Fee

Anode protection work
104-13 \$5 per location outside pavement

Street construction
104-15 \$5.50 per linear foot

Sidewalk construction or repair
104-15 \$25 for each street along which sidewalk runs

New residential driveways (defined as any driveway accommodating 3 cars or fewer on a parcel used for residential purposes only)
104-25 \$110

New commercial driveways (any driveway not included as a residential driveway as defined above)
104-25 \$385

Enlargement of existing driveways (per linear foot)
104-25 \$25

Extended maintenance fee, reconstructed street excavation
104-20
50 square feet or less \$560
51 to 100 square feet \$1,650
101 to 150 square feet \$3,300
Over 150 square feet \$5,500

Trenches less than 50 feet in length
Based on square feet as above

Trenches greater than 50 feet in length
\$1,650, plus \$8.80 per linear foot

Extended maintenance fee, resurfaced street excavation
104-20
50 square feet or less \$280
51 to 100 square feet \$880
101 to 150 square feet \$1,550
Over 150 square feet \$3,100
Trenches less than 50 feet in length
Based on square feet as above

Trenches greater than 50 feet in length	\$880, plus \$7.70 per linear foot	
Street reconstruction cost sharing		
104-27		
Heavy-duty pavement	\$6.70 per square foot	
Medium-duty pavement	\$4.65 per square foot	
Light-duty pavement	\$3.35 per square foot	
Fixed projection (architectural character)		
104-33	\$150	
Entrance details		
104-33	\$55	
Architectural details		
104-33	\$40	
Balconies and fire escapes		
104-33	\$150	
Marquees		
104-33	\$45	
Awnings		
104-33	\$55	5 years
Flagpoles		
104-33	\$35	
Light fixtures		
104-33	\$35	
Signs		
104-33	\$45	
Storm enclosures		
104-33	\$45	6 months
Sidewalk cafes		
104-33	\$100	8 months
Moving a building		
104-23	\$50 per move	
Street obstruction		
104-24	\$35	1 day
	\$310	1 month
Phone booth installation		
104-24	\$135	Annual
Resurfacing existing driveway		
104-13	\$35 per driveway \$220	Annual
Utility pole installation		
104-13	\$150	
Interference with survey monument		
104-22	\$340 per occurrence	
Excavations		
104-13		
50 square feet or less	\$100	
51 to 100 square feet	\$225	

101 to 150 square feet	\$440	
Over 150 square feet	\$900	
Trenches less than 50 feet in length		
	Based on square feet as above	
Trenches greater than 50 feet in length		
	\$280, plus \$0.90 per linear foot	
Banners		
104-33	\$40	1 month
Bridges		
104-33	\$100 initially; \$25 thereafter	1 year 1 year
Footings		
104-34	\$55	
Foundation walls		
104-34	\$55	
Vaults and areaways		
104-34		
100 square feet or less	\$50 initially; \$25 thereafter	1 year 1 year
101 to 500 square feet	\$100 initially; \$50 thereafter	1 year 1 year
Over 500 square feet	\$150 initially; \$75 thereafter	1 year 1 year
Tunnels		
104-34	\$115 initially; \$35 thereafter	1 year 1 year
Vehicles in the right of way		
104-33	\$55 \$840	1 day 1 year
B. Utility companies and other companies performing work in the city may pay an annual maintenance fee of \$1,230 per company which shall include the fees for all work other than work requiring excavation in city rights-of-way.		
Section 2. Section 18-3 of the Municipal Code, relating to fees for records, as amended, is hereby further amended by amending subsection B thereof to read in its entirety as follows:		
B. The City Engineer is authorized to sell printed copies of deed information recorded by the City for the sum of \$2 per sheet. The City Engineer is authorized to sell prints of City Assessment Maps, Land Value Maps, Tax District Index Maps and office copies of Subdivision Maps and other public maps for the following fees:		
	<u>Description</u>	<u>Fee</u>
	8.5 x 11"	\$ 5.00
	11 x 17"	5.25
	18 x 24"	5.75
	24 x 36"	6.80
	Ward Maps	6.25
	2000 scale	6.25
	1000 scale	10.25
	SBL Map	7.50
Section 3. This ordinance shall take effect on July		

1, 2004.

Passed unanimously.

Ordinance No. 2004-171
(Int. No. 238)

Amending The Municipal Code With Respect To Fees For Permits From The Fire Chief

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 54-12 of the Municipal Code, relating to fees for permits from the Fire Chief, as amended, is hereby further amended by amending subsections B, C and D thereof to read in their entirety as follows:

- B. Permits shall be required for the operation and/or maintenance of the following activities. Such permits shall be issued annually, and the annual fees for such permits shall be as follows:
 - (1) Tire recapping or rebuilding plant: \$150.
 - (2) Automobile wrecking yard, junkyard or waste material handling plant: \$150.
 - (3) Nitrate motion-picture film stored, kept or had on hand in quantities greater than 25 pounds (about 5,000 feet of thirty-five-millimeter film): \$150.
 - (4) Cellulose nitrate plastics (pyroxylin) stored or handled in quantities greater than 25 pounds by jobbers, wholesalers and retailers: \$150.
 - (5) Cellulose nitrate plastics (pyroxylin) manufactured into products or used in the manufacture or assembly of other articles: \$150.
 - (6) Combustible fibers stored or handled in quantities exceeding 100 cubic feet: \$70.
 - (7) Dry-cleaning plants:
 - (a) Class I system, liquids having a flash point below 100° F. (37.8° C.): prohibited.
 - (b) Class II system, liquids having a flash point at or above 100° F. (37.8° C.) and below 140° F. (60° C.): \$150.
 - (c) Class IIIA system, liquids having a flash point at or above 140° F. (60° C.) and below 200° F. (93.4° C.): \$150.
 - (d) Class IIIB system, liquids having a flash point at or above 200° F. (93.4° C.): \$120.
 - (e) Class IV system, liquids classified as nonflammable: \$90.
 - (8) Dust-producing operation: \$120.
 - (9) Explosives or blasting agents manufactured, possessed, stored or sold or

otherwise handling or disposing of these compounds: \$150.

(a) Transportation of explosives or blasting agents, per vehicle: \$70.

(10) "Liquid," which shall mean, for the purpose of this section, any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with Test for Penetration for Bituminous Materials ASTM D-5-73. When not otherwise identified, the term "liquid" shall mean both flammable and combustible liquids.

(a) "Flammable liquid" shall mean a liquid having a flash point below 100° F. (37.8° C.) and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F. (37.8° C.) and shall be known as a "Class I liquid".

[1] Class IA shall include those having flash points below 73° F. (22.8° C.) and having a boiling point below 100° F. (37.8° C.).

[2] Class IB shall include those having flash points below 73° F. (22.8° C.) and having a boiling point at or above 100° F. (37.8° C.).

[3] Class IC shall include those having flash points at or above (73° F.) (22.8° C.) and below 100° F. (37.8° C.).

(b) "Combustible liquid" shall mean a liquid having a flash point at or above 100° F. (37.8° C.).

[1] Class II liquids shall include those having flash points at or above 100° F. (37.8° C.) and below 140° F. (60° C.).

[2] Class IIIA liquids shall include those having flash points at or above 140° F. (60° C.) and below 200° F. (93.4° C.).

[3] Class IIIB liquids shall include those having flash points at or above 200° F. (93.4° C.).

(c) Flammable liquids and combustible liquids, Class II, stored, handled or used (not otherwise covered under Chapter 77, Oil Burners, or gasoline service stations and bulk plants):

[1] Storage in any building of more than 6 gallons of flammable liquid or more than 25 gallons of combustible liquid (Class II): \$70.

[2] Storage outside of a building of more than 10 gallons of flammable liquid or more than 60 gallons of combustible liquid (Class II and Class III): \$70.

[3] Paints, oils and varnishes stored

- more than 30 days: \$70.
- (d) Flammable liquids storage and combustible liquids, Class II, storage in stationary tanks, including bulk plants (not otherwise covered in gasoline service stations, and Chapter 77, Oil Burners, of the Municipal Code):
- [1] First 50,000 gallons: \$70.
 - [2] Second 50,000 gallons: \$70.
 - [3] Third and fourth 50,000 gallons (each): \$70.
 - [4] Each additional 100,000 gallons or fraction thereof: \$70.
 - [5] Each dispensing unit: \$30.
- (e) Flammable liquids and combustible liquids, Class II, manufactured, processed, blended or refined: \$150.
- (f) Flammable liquids and combustible liquids, Class II, stored in drums for the purpose of manufacture, storage or sale:
- [1] Maximum of 10 drums: \$70.
 - [2] Exceeding 10 drums: \$150.
- (g) Spraying or dipping operations using more than 1 gallon of flammable or combustible liquids in any 1 working day: \$70.
- (11) Fumigation room, vault or chamber using a toxic or flammable fumigant: \$120.
- (12) Hazardous chemical storage or handling:
- (a) More than 2,000 cubic feet of flammable compressed gas: \$150.
 - (b) More than 6,000 cubic feet of non-flammable compressed gas: \$120.
 - (c) More than 55 gallons of corrosive liquids: \$70.
 - (d) More than 50 pounds of oxidizing materials: \$70.
 - (e) More than 10 pounds of organic peroxides: \$70.
 - (f) More than 50 pounds of nitromethane: \$70.
 - (g) More than 1,000 pounds of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures: \$150.
 - (h) Any amount of highly toxic material: \$70.
 - (i) Any amount of poisonous gas: \$70.
 - (j) More than 1 microcurie of radium (not contained in a sealed source): \$70.
- (k) More than 1 millicurie of radium or other radioactive material (in sealed source): \$70.
- (l) Any amount of radioactive material for which a license from the United States Nuclear Regulatory Commission is required: \$70.
- (13) Lumber storage in excess of 100,000 board feet: \$150.
- (14) Magnesium or similar materials being melted, cast, heat-treated, machined or ground in quantities of more than 10 pounds per working day: \$150.
- (15) Matches:
- (a) Manufacture of: \$150.
 - (b) Storage in excess of 25 cases: \$70.
- (16) Each oven or kiln (industrial or commercial baking/drying) operation: \$70 per location.
- (17) Combustible material storage in excess of 2,500 cubic feet gross volume: \$90.
- (18) Acetylene and other flammable gas usage in connection with welding or cutting: \$70.
- (19) Calcium carbide storage in excess of 200 pounds: \$150.
- (20) Acetylene generator with carbide capacity exceeding 5 pounds: \$150.
- (21) Liquefied petroleum gas container(s) installed, handled or used in all buildings, structures or properties (except residential):
- (a) 1,000 gallons water capacity or more: \$100.
 - (b) Less than 1,000 gallons water capacity: \$70.
- (22) Gasoline service stations:
- (a) Each 10,000 gallons, or part thereof, of storage capacity: \$70.
 - (b) Each dispensing unit: \$20.
- (23) Private plants:
- (a) Each 10,000 gallons, or part thereof, of storage capacity: \$70.
 - (b) Each dispensing unit: \$20.
- (24) Central stations: no fee.
- C. Permits shall be required for the following activities and fees shall be as follows:
- (1) Setting off or discharging explosives (per job, not to exceed 1 year per permit): \$150.
 - (2) Delivering explosives or blasting agents to a terminal between the hours of sunset

and sunrise (per delivery): \$70.

- (3) Fumigation or thermal insecticidal fogging (per building): \$150. for commercial buildings and \$30. for residential buildings.
 - (4) Bowling pin refinishing, involving use of flammable liquids or materials (per 50 pins): \$70.
 - (5) Bowling alley resurfacing operations, involving use of flammable liquids or materials (per alley): \$30.
 - (6) Any roof repair or replacement using any form of heat-generating equipment or process (per job): \$70.
- D. Certificates shall be required for the performance of the following activities. Such certificates shall be issued annually, and the annual fees shall be as follows:
- (1) For the certificate of fitness required by all persons storing, transporting, setting off or discharging explosives:
 - (a) Examination fee: \$30.
 - (b) Original certificate: \$120.
 - (c) Renewal of certificate: \$70.
 - (2) Pump and tank installation, removal, alteration or repair:
 - (a) Examination fee: \$30.
 - (b) Original certificate: \$120.
 - (c) Renewal of certificate: \$70.
 - (d) Certificate of registration for business: \$130.
 - (3) Installing, charging, filling, maintaining, recharging, refilling, repairing and testing rechargeable fire extinguishers:
 - (a) Examination fee: \$30.
 - (b) Original license: \$90.
 - (c) Renewal of license: \$60.
 - (d) Apprentice permit: \$60.
 - (e) Certificate of registration: \$130.
 - (f) Hydrostatic testing: \$60.

Section 2. This ordinance shall take effect on July 1, 2004.

Passed unanimously.

Local Law No. 5
(Int. No. 239)

Local Law Amending The City Charter With Respect To Fees For Foreclosure

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Subsection A(3) of Section 9-123, Establishing and filing foreclosure list, to read in its entirety as follows:

- (3) The amount of each tax lien to be foreclosed.

The foreclosable tax lien shall include an additional fee of \$155 per parcel, to defray some of the costs of the foreclosure action.

Section 2. This local law shall take effect on July 1, 2004.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-172
(Int. No. 240)

Amending The Municipal Code With Respect To Fees Of The City Clerk

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 5-10 of the Municipal Code, Marriage officers, is hereby amended by deleting the fee set therein for marriages by marriage officers of "\$25" and by inserting in its place a new fee of "\$40".

Section 2. Section 47B-3 of the Municipal Code, relating to fees for domestic partnerships, is hereby amended by deleting the fee set therein for filing or terminating a statement of domestic partnership of "\$25" and by inserting in its place a new fee of "\$40".

Section 3. This ordinance shall take effect on July 1, 2004.

Passed unanimously.

Ordinance No. 2004-173
(Int. No. 241)

Amending The City Code With Respect To Penalties For Noise Violations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 13A-11 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by amending subsection G to read as follows and by adding thereto the following new subsection H:

- G. Fines and penalties for any violation of Chapter 98, Sexually Oriented Businesses, of the Municipal Code, shall be as follows:

	Initial Penalty	Penalty Upon Default
First Offense	\$100.00	\$ 200.00
Second Offense	\$200.00	\$ 400.00
Third and Subsequent Offenses	\$300.00	\$ 600.00

- H. Fines and penalties for any violation of Chapter 75, Noise, of the Municipal Code, shall be as follows:

	Initial Penalty	Penalty Upon Default
First Offense	\$200.00	\$ 400.00
Second Offense	\$400.00	\$ 800.00
Third and Subsequent Offenses	\$600.00	\$1,200.00

Section 2. This ordinance shall take effect on July 1, 2004 or upon approval of the amount of the new fines and penalties by the City Court Judges, whichever shall occur later.

Passed unanimously.

Ordinance No. 2004-174
(Int. No. 242)

Amending The Municipal Code With Respect To Taxicab Rates Of Fare

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 108 of the Municipal Code, Taxicabs, as amended, is hereby further amended by amending Section 108-12, Rates of fare, by relettering Subsections D through I as Subsections E through J respectively, and by adding thereto a new Subsection D to read in its entirety as follows:

- D. Ferry Terminal. For all trips between the ferry terminal and downtown (which shall include all locations within the Inner Loop and the train station), there shall be a flat rate of \$20 for up to two passengers. For all trips between the ferry terminal and the airport, there shall be a flat rate of \$30 for up to two passengers.

Section 2. This ordinance shall take effect on July 1, 2004.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 230A
Re: Budget Amendment - City
School District - \$3,600,000

Transmitted herewith for your approval is an amendment to the proposed 2004-05 budget of the City School District increasing the revenue estimates from the City of Rochester by \$3,600,000.

To accomplish this, the legislation will appropriate \$3,600,000 from the Contingency Account in the City of Rochester's 2004-05 budget to an Educational Improvement Fund. The entire amount of that fund shall be transferred to the Rochester City School District upon receipt by the City Clerk of a certified copy of a resolution adopted by the School Board that outlines the planned uses of said fund.

Respectfully submitted,
Brian F. Curran
Councilmember
At-Large

William F. Pritchard
Councilmember
At-Large

Adam C. McFadden
Councilmember
South District

Introductory No. 230A

AMENDING THE PROPOSED 2004-05 BUDGET OF THE CITY SCHOOL DISTRICT - \$3,600,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City School District is hereby amended by increasing the revenue estimates from the City of Rochester by \$3,600,000, which amount is hereby appropriated from the Contingency Account of the 2004-05 Budget of the City of Rochester to an Educational Improvement Fund.

Section 2. The entire balance of the Educational Improvement Fund shall be transferred to the City School District upon receipt by the City Clerk of a certified copy of a resolution adopted by the School Board that outlines the planned uses of said fund.

Section 3. This ordinance shall take effect immediately.

Item failed in Committee for lack of being seconded.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 230B
Re: Budget Amendment - Consolidation
Fund Transfer - \$1,200,000

Transmitted herewith for your approval is an amendment to the proposed 2004-05 budget of the City School District increasing the revenue estimates from the City of Rochester by \$1,200,000.

To accomplish this, the legislation will transfer \$1,200,000 from the Consolidation Incentive Fund to the District to partially restore the \$7 million reduction planned in the coming budget.

As you know, the \$1,200,000 was set aside in June 2002 to create an incentive for some non-classroom service consolidations that would be identified through staff discussions and negotiations. To date, these discussions have not borne fruit. Rather than let the funds remain idle, it is recommended that they be transferred to the District to offset the possible harmful effects of the planned budget cuts.

Respectfully submitted,
Adam C. McFadden
Councilmember
South District

Introductory No. 230B

AMENDING THE PROPOSED 2004-05 BUDGET OF THE CITY SCHOOL DISTRICT - \$1,200,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2004-05 Budget of the City School District is hereby amended by increasing the revenue estimates from the City of Rochester by \$1,200,000, which amount is hereby appropriated from the Consolidation Incentive Fund.

Section 2. This ordinance shall take effect immediately.

Item failed in committee by the following vote:

Ayes - Councilmember Curran - 1.

Nays - President Giess, Councilmembers Douglas, Santiago, Stevenson - 4.

Committee was returned to its original order.

By Councilmember Norwood
June 22, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 172 - Authorizing The Sale Of Real Estate

Int. No. 173 - Amending Ordinances No. 2004-41 And 2003-159 Relating To The Sale Of Real Estate

Int. No. 174 - Accepting Donation Of Real Estate

Int. No. 176 - Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

Int. No. 177 - Authorizing An Agreement For The Asset Control Area Program

Int. No. 178 - Appropriating Funds And Authorizing Agreements For CHDO Operating Assistance

Int. No. 179 - Authorizing An Agreement With The Enterprise Foundation For Housing Services

Int. No. 180 - Authorizing An Agreement For The Home Store

Int. No. 181 - Authorizing An Agreement For Housing Development Services

Int. No. 182 - Authorizing An Agreement For Housing Development Support

Int. No. 183 - Authorizing An Agreement With Neighborhood Housing Services

Int. No. 184 - Authorizing Agreements With Neighborhood Organizations For Administration Of The Residential Assistance Program

Int. No. 185 - Appropriation Of Funds And Authorizing Agreements For The Emergency Assistance For City Homeowners (EACH) Program

Int. No. 186 - Appropriating Funds And Authorizing Agreements For Water Service Replacements

Int. No. 187 - Authorizing An Agreement For Continued Administration Of The Joint Energy Conservation Program

Int. No. 188 - Appropriating Funds And Authorizing Agreements For The Tool Lending Library Program

Int. No. 189 - Approving Business Programs

Int. No. 190 - Authorizing An Agreement For Elevator Inspection Services

Int. No. 191 - Authorizing An Agreement For The

Real Estate Marketing Initiative

Int. No. 192 - Approving The 2004-05 Operating And Capital Budgets Of The Cultural Center Commission

Int. No. 193 - Determination And Findings Related To The Acquisition Of Three Properties As Part Of Project Turnaround

Int. No. 142 - Approving The Acquisition Of Parcels For The Project Turnaround Challenged Street Program By Negotiation Or Condemnation

Int. No. 194 - Resolution Approving Appointment To The Zoning Board Of Appeals

Int. No. 195 - Resolution Approving Appointment To The City Planning Commission

Int. No. 141A - Authorizing The Sale Of Real Estate

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 197 - Approving The Urban Renewal Plan For The La Marketa North Clinton Avenue Urban Renewal Project

Int. No. 198 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The La Marketa North Clinton Avenue Urban Renewal Project

Int. No. 199 - Changing The Zoning Classification Of 804-844 North Clinton Avenue From C-2 Community Center, And 7, 11 And A Portion Of 9 Sullivan Street From R-1 Low Density Residential, To La Marketa North Clinton Avenue Urban Renewal District

Int. No. 225 - Changing The Zoning Classification Of 406-408, 407, 415, 417, 420-422, 421-423, 426-430 And 429 South Avenue From C-2 Community Center, And 390, 394-398, 397-399, 400-404 And 401-405 South Avenue And 422-486 And 429-455 South Clinton Avenue From Center City (CCD)-Riverfront, To Center City (CCD)-Base

The following entitled legislation is being held in committee:

Int. No. 175 - Authorizing The Sale Of 56 Stutson Street

Int. No. 196 - Amending The 1995-96, 1996-97, 1997-98 And 2001-02 Community Development Programs By Transferring Funds Within The Promoting Economic Stability Allocations, Amending Ordinances, Authorizing Agreements And Appropriating Funds

Respectfully submitted,
Wade S. Norwood

William F. Pritchard (Did not vote on Int. No. 172 through Int. No. 178.)

Adam C. McFadden (Abstained vote on Int. No. 179.)

Gladys Santiago (Did not vote on Int. No. 172 through 175. Abstained vote on Int. No. 178.)

HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-175 And
Ordinance No. 2004-176
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of two properties and amending two prior ordinances relating to the sale of property. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales:

The two properties are unbuildable vacant lots and are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

Address	Sq. Ft.	Purchaser
19 King Street	2840+/-	Donna M. Pacelli
13 Treyer Street	3355+/-	Carmen DeMora

Amendments:

1. Ordinance No. 2003-159 (June 17, 2003) approved the sale of an unbuildable lot located at 8 Mt. Pleasant Park to David Knoll and David Skinner. The amendment will remove David Skinner as a purchaser; he no longer wishes to purchase the property. The original sale contract, combined the unbuildable lot with the property at 10 Mt. Pleasant Park, which is owned by David Knoll and David Skinner. The amendment will combine 8 Mt. Pleasant Park with 6 Mt. Pleasant Park, which is owned solely by David Knoll.
2. Ordinance No. 2004-41 (February 24, 2004) approved the sale of 16-20 Spies Alley to Shirley D. Zimmer. The amendment will add David R. Hall, Jr. as a purchaser. Also, the property will be combined with the purchasers' adjoining property located at 13 King Street.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-75

Ordinance No. 2004-175
(Int. No. 172)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale

of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	S.B.L.#	Sq. Ft.
19 King St.	120.36-1-16	2840±
Donna M. Pacelli		
13 Treyer St.	106.30-1-25	3355±
Carmen DiMora		

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-176
(Int. No. 173)

Amending Ordinances No. 2004-41 And 2003-159 Relating To The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-41, relating to the sale of real estate, as amended, is hereby further amended by authorizing the sale of 16-20 Spies Alley to Shirley D. Zimmer and David R. Hall, Jr., instead of Shirley D. Zimmer, as approved in Section 2.

Section 2. Ordinance No. 2003-159, relating to the sale of real estate, as amended, is hereby further amended by authorizing the sale of 8 Mt. Pleasant Park to David Knoll, instead of David Knoll and David Skinner, as approved in Section 2.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-177
Re: Real Estate Donation, 479-481
Campbell Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation accepting the donation of 479-481 Campbell Street. It is being donated by the owner, Anthony Alvito, Jr. The property consists of a vacant four-family dwelling in deteriorated condition.

Following acquisition, the City will demolish the structure at an estimated cost of \$15,000. The remaining vacant lot, which has a land area of 3,360 square feet, will be utilized as part of a road improvement project for I-490. The NY State Department of Transportation will install curbing across the dead end portion of Colvin Street, grade and seed the lot, and install sidewalks to improve connections to the pedestrian bridge over I-490.

This parcel directly links adjoining neighborhoods with the Colvin Street Pedestrian Bridge, which is used as access to School 17. Acquisitions and improvements will improve both aesthetics and safety in the neighborhood.

The City will retain title to the property, since the NYSDOT does not purchase property unless it improves the vehicular capacity or safety of their highway system. The City of Rochester currently maintains the right of way and the parcel immediately adjacent to the north side of the bridge, which the City already maintains on a regular basis. Maintenance costs will not increase significantly; the Campbell Street parcel is small and is designed as low maintenance.

The NYSDOT will be completing work near the Colvin Street pedestrian bridge and the northern access point in August and September 2004, with a commitment that work will be substantially completed prior to the beginning of the 2004-05 school year. It is anticipated that site improvements to this parcel will be completed within two months of demolition of the structure.

The property is to be conveyed with no outstanding liens or encumbrances. City taxes and other current year charges shall be canceled from the date of closing forward. Any taxes levied after the date of closing shall also be canceled.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-76

Ordinance No. 2004-177
(Int. No. 174)

Accepting Donation Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of the donation of 479-481 Campbell Street, SBL #120,250-1-49, from the current owner, Anthony Alvito, Jr.

Section 2. City taxes and other charges against said parcel shall be canceled from the date of closing forward. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled. Said parcel shall be accepted free and clear of any outstanding liens or encumbrances.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-178
Re: Agreement - Greater Rochester
Housing Partnership, Operating Support

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Housing Partnership, Inc. (GRHP) for continued financing of its operation. The maximum cost of this

agreement is \$85,000, which will be financed from the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Block Grant.

The GRHP was established in 1991 to promote affordable housing throughout Monroe and surrounding Counties by encouraging private investment, soliciting contributions, and seeking federal and state funding. The City has provided funds to help finance the GRHP's administrative costs since its inception. The most recent allocation of \$85,000 for the continuation of these services was authorized by the City Council on June 17, 2003. The proposed funding contributes approximately 15.9% of the GRHP's annual operating costs.

Following is a summary of the GRHP's accomplishments between July 2003 and April 2004:

1. Acquisition/Rehabilitation

Goal: Provide financing, property management services and technical assistance for houses that are approved for the Home Rochester program.

Status: Management services provided for RHDFC- and GRHP-owned properties for a total of 72 properties.

2. Single-Family New Construction

Goal: Have capacity to provide at least \$600,000 in construction financing to developers of new single-family houses.

Status: \$189,000 of the available financing was used to finance 3 houses. The balance of this loan fund is made available as needed for construction of rental projects.

3. Rental Projects

Goal: Continue management of the Low Income Tax Credit Fund.

Status: All Tax Credit Fund projects are performing as projected. A third Tax Credit Fund has been capitalized at \$3,000,000.

4. Continue activity in support of housing choice and rental housing affordability.

Goal: Provide construction loans for rental projects which provide additional housing choices.

Status: Provided construction loans for the following rental projects:

\$4,500,000	64 units	Irondequoit
500,000	10 units	Dansville

Goal: Create a City small-scale rental rehab program

Status: 21 units of rental housing are under rehabilitation

Goal: Obtain resources to fund affordable housing development

Status: \$400,000 of funding from NYS DHCR has been obtained to finance renovations to Single Room Occupancy housing operated by The Health Association.

Under the proposed agreement, the GRHP will continue these activities during 2004-05.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-178
(Int. No. 176)

Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Housing Partnership, Inc. for continued housing services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$85,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-179
Re: Rochester Housing Development
Fund Corporation

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$186,000 from the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Block Grant and authorizing an agreement with the Rochester Housing Development Fund Corporation for continued implementation of the Asset Control Area Program (ACAP).

The RHDFC facilitates the City's participation in ACAP, a program of the U. S. Department of Housing and Urban Development, which was authorized by City Council on May 18, 2003 and executed by HUD on January 22, 2004. Under the terms of the new agreement with HUD, the City is obliged to purchase FHA-foreclosed, single-family properties in eligible areas.

Since signing the current ACAP Agreement, a total of 25 properties have been purchased by the City. Seventeen of these homes have been sold to the RHDFC. Up to 300 properties will be purchased from HUD

as part of the Asset Control Area Program over a 24 month period. Under the terms of the current ACAP Agreement, the homes sold to the RHDFC as part of HOME Rochester must be renovated and sold to eligible first time homebuyers.

Since July 1, 2003, 36 properties have been rehabilitated and sold to income-eligible households. The RHDFC currently holds title to 42 properties, 12 of which are under contract with eligible buyers. There are an additional 5 properties that are in the RHDFC's pipeline. The number of ACAP eligible properties is expected to grow throughout the summer as the new contract gets underway.

The RHDFC, a non-profit organization, operates in partnership with the City, Enterprise Foundation, Greater Rochester Housing Partnership (GRHP), Chase Manhattan Bank and other commercial lenders, Community Preservation Corporation, and the United Way/Martin Luther King Memorial Housing Fund. The RHDFC Board of Directors is comprised of representatives from each participating entity which invests in a \$16,000,000 capital loan pool to fund the RHDFC's development activities. The RHDFC is administered by the GRHP.

The specific responsibilities of the RHDFC are to:

1. Acquire properties from the City and hold title to properties throughout the rehabilitation and marketing period;
2. Assign properties to participating construction managers;
3. Produce a standardized construction scope and specification for each property;
4. Provide financial packaging;
5. Obtain and monitor subsidy to reduce the homebuyer's purchase price;
6. Monitor construction and sales processes; and
7. Provide services and technical assistance to enhance the capacity of participating non-profit construction managers.

The RHDFC Board approves construction loans for the rehabilitation of properties by the participating non-profit construction managers. When possible, properties are grouped geographically for assignment to an organization, which receives a development fee of up to \$4,000 per property.

The RHDFC oversees the rehabilitation of the properties. The costs of administration will be financed from the proposed CDBG appropriation. Property management services are provided by the RHDFC.

Upon completion of rehabilitation, the properties that have not been pre-sold, will be listed on the Greater Rochester Association of Realtors' Multiple Listing Service by the Home Store, which will receive a commission of 1% for each listed property that is sold. Neighborhood Housing Services of Rochester (NHS) provides homeownership education and pre- and post-purchase counseling. The Home Store also provides income certification and pre-qualifying for various subsidy programs and works with the GRHP and the Department of Community Development (DCD) to obtain subsidies for income-eligible prospective homeowners.

The RHDFC will also provide technical assistance to participating non-profit construction managers as needed. In the event that RHDFC expertise is needed, the construction management fee received by the non-profit may be pro-rated with the RHDFC.

Households with incomes of up to 115% of median family income (MFI) for the Rochester Metropolitan Statistical Area will be eligible to purchase homes ACAP homes. The majority of HOME Rochester buyers are below 80% of area median income. The combination of available subsidies from the City and State of New York will enable low- and moderate-income households earning as low as 40% of the MFI to realize homeownership.

The City has provided funding for these services since 2001. The most recent allocation of \$186,000 for the continuation of these services by the RHDFC was authorized by the City Council on July 22, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-179
(Int. No. 177)

Authorizing An Agreement For The Asset Control Area Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation for operating funds to support the acquisition of HUD foreclosed properties from the City as a part of the Asset Control Area (ACA) Program and the rehabilitation and resale of said properties.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$186,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-180
Re: Community Housing Development Organizations (CHDO)

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Community Housing Development Organization Program. This legislation will:

1. Appropriate \$546,300 from the Community Housing Development Organization Program allocation of the 2003 HOME Program and

\$543,150 the CHDO allocation of the 2004 HOME Program for a total of \$1,089,450 for CHDO development;

2. Appropriate \$181,150 from the CHDO program allocation of the 2004 HOME Program for administration; and
3. Authorize agreements with organizations that have been designated as CHDOs and approved developers in the Home Rochester program for the development of affordable housing.

The City is required to reserve at least 15% of its annual HOME award to fund the development of affordable housing by non-profit Community Housing Development Organizations. The City is also permitted to set aside an additional 5% of its HOME award to assist CHDOs with their operating costs. The \$1,089,450 for CHDO development represents 15% of the 2003 and 2004 HOME award totals. The \$181,150 for CHDO administration is 5% of the 2004 HOME award.

These 12 organizations have been designated by the City as CHDOs with access to these funds:

- Action for a Better Community Group 14621
- Housing Opportunities, Inc.
- Ibero Development Corporation
- ISLA Housing Development Corporation
- Marketview Heights Association
- Northwest Community Development Corporation
- North East Area Development
- North East Block Club Alliance
- Northside Church of Christ Housing Development Fund Company, Inc.
- South East Area Coalition
- Southwest Area Development Corporation

The proposed appropriation will assist those who are income-eligible to purchase renovated vacant homes through the Home Rochester program. The Home Rochester program is designed to acquire and rehabilitate vacant homes for resale as a component of the City's Housing Initiative. It is anticipated that approximately 25 buyers will be assisted through the proposed appropriation. The average subsidy is expected to be approximately \$20,000.

The rehabilitated properties will be marketed through the HOME Store to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre- and post- purchase home buyer education classes and to live in the house for a minimum of 10 years.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-77

Ordinance No. 2004-180
(Int. No. 178)

Appropriating Funds And Authorizing Agreements For CHDO Operating Assistance

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from 2003

HOME Program funds the sum of \$546,300, and there is hereby appropriated from 2004 HOME Program funds the sum of \$543,150, or so much thereof as may be necessary, to fund the operating expenses of designated Community Housing Development Organizations (CHDOs), and there is hereby appropriated from 2004 HOME Program funds the sum of \$181,150, or so much thereof as may be necessary, to fund the administration of the CHDO Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary with designated CHDOs for use of these funds.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-181
Re: The Enterprise Foundation, Housing
Development Agreement

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$100,000 from the 2004-05 Community Development Block Grant (Housing Stock and General Property Conditions allocation) and authorizing an agreement with the Enterprise Foundation for the continued provision of housing and community development activities through the Rochester Community Development Collaborative (RCDC).

Enterprise, which was established in 1982 by philanthropists James and Patricia Rouse, is a national non-profit housing and community development organization. Its mission is to assist people in obtaining jobs and affordable housing.

The RCDC, formed in August 2000, is comprised of Enterprise, the City, Citibank, Daisy Marquis Jones Foundation, United Way of Greater Rochester, and JPMorgan Chase Bank. Additional funders include Rochester Gas & Electric (RG&E), HSBC, Fleet Bank, and the Bruner Foundation.

Through the RCDC, Enterprise has provided a total of \$375,000 in grants to these five organizations (since August 2000 unless otherwise noted):

North East Neighborhood Alliance/North East
Block Club Alliance

Ibero-American Development Corporation

NCS Community Development Corporation
North East Area Development, Inc.

Sector 4 Community Development Corporation
(since August 2003).

The RCDC operating support has enabled these organizations to leverage over \$13M in neighborhood investment for housing and commercial real estate projects. Over 97 homes have been rehabilitated or are in the process of being rehabilitated, of which 79 have been sold to new homeowners since the RCDC

began. Over 64,000 square feet of commercial space has been developed by these organizations during this time frame.

Under the proposed agreement, Enterprise will provide the following services:

1. Continue to administer the RCDC program and provide technical assistance to the five participating agencies; and
2. Provide technical assistance to:
 - a. the Rochester Housing Development Fund Corporation (RHDFC);
 - b. Non-profit housing developers that are involved with projects in conjunction with the RHDFC; and
 - c. the City of Rochester.

The City has provided funding for these services since 2001. The most recent allocation of \$100,000 for the continuation of these services by the Enterprise Foundation was authorized by City Council on June 17, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-181
(Int. No. 179)

**Authorizing An Agreement With The Enterprise
Foundation For Housing Services**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with The Enterprise Foundation for technical assistance relating to housing and community development activities.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran,
Douglas, Mains, Norwood, Pritchard, Stevenson
- 7.

Nays - None - 0.

Councilmember McFadden abstained vote because he is an employee of one of the affiliated agencies.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2004-182
 Re: Agreement - Urban League of
 Rochester Economic Development
 Corporation: Home Store

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation relating to the operation of the Home Store. The proposed legislation will:

1. Appropriate \$265,000, which will be financed from the Improve the Housing Stock and General Property Conditions allocation of the 2004-05 HOME Program; and
2. Authorize an agreement with the Urban League of Rochester Economic Development Corporation, 304 Andrews Street, for continued operation of the Home Store.

The Home Store, which opened in February 1994, provides a central and accessible location at which prospective home buyers can obtain information, financial counseling and assistance, pre- and post-purchase counseling relating to home ownership. These services are provided in the evenings and weekends, as well as during the week.

The Urban League has operated the Home Store since its inception, with funding provided by the City of Rochester. The most recent agreement for such operation was authorized by the City Council on June 17, 2003.

Following is a summary of the performance of the Urban League under this agreement (through April 30, 2004) and the projected performance for 2004-05:

Service	Actual*		2004-05 Projected
	2003-04 Planned	Through 4/30/04	
Home Rochester/Rehabilitation Programs Cases	65	49	66
Home Expo/New Construction Cases	23	14	25
Home Purchase Assistance Program Cases**	133	93	168
HIP Sales	40	15	18
Homestead Lottery	15	15	15
Phone screening and referral	5,000	4,225	5,000
Seminars:			
Number	40	22	40
Participants	2,000	1,995	2,000

* Actual includes closed and open sales. Closings for open sales are anticipated to occur within the next 30-60 days.

** Will include Employer Assisted Home Purchase Program.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2004-182
 (Int. No. 180)

Authorizing An Agreement For The Home Store

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester Economic Development Corporation for the continued operation of the Home Store.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$265,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-183
 Re: Agreement - Urban League of Rochester
 Economic Development Corp.

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$85,000 from the 2004-05 Community Development Block Grant (Housing Stock and General Property Conditions Allocation), and authorizing an agreement with the Urban League of Rochester Economic Development Corporation (ULREDC), 304 Andrews Street, for the continued provision of housing development services.

Following is a summary of the ULREDC performance from July 2003 to April 2004:

	Goal	Actual
HOME Rochester houses rehabilitated	15	12
New houses constructed	10	1
[see note]		
Rental projects developed	2	2
Projects planned/researched	1	3
Rental units managed	51	51

[note: These numbers reflect the difficulty the ULREDC has had selling these new-construction homes. The ULREDC has implemented several strategies to increase sales: receiving additional subsidies from the Federal Home Loan Bank of New York to supplement existing Division of Housing and Community Renewal subsidies; listing homes on the Multiple Listing Service; increasing advertising; exploring lease-purchase options for buyers.]

Activities proposed for 2004-05 include the following:

1. HOME Rochester - Rehabilitate 18 structures.
2. New Single-Family Construction - Construct 10 new homes through targeted new construction

in the City and seek funding to develop one additional project.

3. Rental Development - Develop a minimum of two rental projects and seek funding to develop at least one additional project.
4. Technical Assistance - Provide technical assistance to non-profits as necessary.
5. Property Management - Continue to manage the ULREDC rental properties.
6. Projects Planned/Researched - Continue project planning/research: two minimum.

The City has provided funding for these services since 1994. The most recent allocation of \$85,000 for the continuation of these services by the ULREDC was authorized by the City Council on June 17, 2003. The proposed agreement for \$85,000 represents 13% of the ULREDC's total budget of \$662,497.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-183
(Int. No. 181)

Authorizing An Agreement For Housing Development Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester Economic Development Corporation for the continued provision of housing development services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$85,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-184
Re: Agreement - Housing Opportunities, Inc.

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$125,000 from 2004-05 Community Development Block Grant (Housing Stock and General Property Conditions Allocation) and authorizing an agreement with Housing Opportunities (HOP), 400 Andrews Street, for the continued provision of housing development services.

HOP has been providing services for the City since 1993. The most recent agreement with HOP for these services was authorized by the City Council on June 17, 2003 for \$125,000. Following is a summary of their performance under that agreement for July 1, 2003 - April 30, 2004.

	Goal	Actual
HOME Rochester houses rehabilitated	4	5
Rental units developed	51	70
Tenants served (rental units)	300	300
Projects planned/researched	2	3

Activities proposed for 2003-2004 include the following:

1. HOME Rochester - Rehabilitate four (4) structures.
2. New Single-Family Construction - Construct four (4) new homes through targeted new construction in the City.
3. Rental Development - Develop a minimum of 78 rental units.
4. Technical Assistance - Provide technical assistance to other non-profit housing developers as necessary.
5. Property Management - Continue to manage the HOP rental properties, currently 346 units.
6. Projects Planned/Researched - Continue project planning/research: two (2) minimum.

This agreement represents 19% of HOP's total budget of \$645,547.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-184
(Int. No. 182)

Authorizing An Agreement For Housing Development Support

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Housing Opportunities, Inc., for development and management of housing units for low-income families and housing technical assistance.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$125,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-185
Re: Neighborhood Housing Services/
Housing Program Agreements

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to Neighborhood Housing Services of Rochester (NHS), 570 South Avenue. This legislation will:

1. Appropriate \$75,000 from the Improve Housing Stock allocation of the 2004-05 Community Development Block Grant, and \$75,000 from the Homebuyer Training allocation of the 2004-2005 HOME Program for a total \$150,000 to be appropriated; and
2. Authorize two agreements with NHS for the continued operation of the Revolving Loan Fund Program and the continued provision of homebuyer education.

The Revolving Loan Fund Program (RLF) is designed to help secure rehab loans for homeowners who have inadequate credit, poor employment history and/or an excessive debt-to-income ratio.

NHS has administered the program since its inception in 1980. The most recent agreement of \$75,000 for such administration was authorized by the City Council on July 22, 2003. Since then, 25 loans totaling \$182,637 have been made. These loans leveraged an additional \$75,905 in loan and grant funds.

Under the proposed RLF agreement, NHS will originate 40 new loans in 2004-05 for an administrative fee not to exceed \$75,000. NHS will be responsible for:

1. Promoting the program;
2. For each loan: determining the eligibility of the property owners, inspecting the property, estimating the costs of rehabilitation, reviewing insurance needs, providing financial counseling, loan packaging, preparing work specifications, soliciting bids, providing construction management and servicing the loan;
3. Selling approved loans on the secondary market, if appropriate;
4. Resolving delinquencies through counseling, restructuring, or the collection of liens; and
5. Administering the program and fund-raising.

The homebuyer education component will continue the current NHS program of pre- and post-purchase training, which is required as a condition of purchase for buyers using City assistance through the HOME Expo, Home Rochester, Home Purchase Assistance and Employer Assisted Housing Initiative programs. The proposed agreement for \$75,000 will fund the program; this is the same amount approved for the 2003-04 program. NHS has the capacity to train approximately 1,000 participants each year. The following is a summary of current activity and proposed goals for next year.

Training Focus

Actual #	Actual # Households
----------	------------------------

	<u>Sessions</u> <u>7/03-5/1/04</u>	<u>Proposed #</u> <u>Sessions</u> <u>7/04-6/05</u>	<u>Participating</u> <u>7/03-5/1/04</u>	<u>Proposed #</u> <u>Households</u> <u>7/04-7/05</u>
“Fast Track to Home Ownership”				
8 Hours (Pre-purchase)	9	12	146	400
“Homebuyers Club”				
16 Hours Eight Sessions (Post Purchase)	3	3	101	75
“Making Your House Your Home”				
3 Hours (Post-purchase)	6	6	168	210
“Best on the Block” - Spring				
3 Hours (Post-purchase)	3	4	109	140
“Best on the Block” - Fall				
3 Hours (Post-purchase)	4	4	106	140

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-185
(Int. No. 183)

Authorizing An Agreement With Neighborhood Housing Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Neighborhood Housing Services of Rochester for the continued operation and capitalization of the Revolving Loan Fund Program and the continued provision of home buyer education.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$150,000, and of said amount, or so much thereof as may be necessary, \$75,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program, and \$75,000 is hereby appropriated from 2004-05 HOME Program Funds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-186
Re: Residential Assistance Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$1,357,300 from the 2004-05 Community Development Block Grant (Improving Housing Stock and Property Conditions Allocation) to finance the Residential Assistance Program (RAP) and authorizing any necessary agreements with 11 neighborhood organization for program administration.

RAP has three major grant components - Special Materials, Home Security, and Emergency Repair. The program provides grants of up to \$3,500 to assist low-income owner-occupants throughout the City to make emergency repairs and to purchase materials for exterior repairs and home security. An additional supplement of up to \$1,000 is available when undertaking activities involving lead-based paint removal. It is also possible to award a maximum of \$7,000 when damaging roof leaks require a complete tear-off.

The program began in 1975 and City funding was most recently authorized by Council on June 17, 2003.

The total for RAP appropriations and encumbrances during 2003-04 was \$1,310,000. A summary of 2003-04 allocations, including activities to date and expenditures, is attached.

Listed below are recommended allocations for the 2004-05 Residential Assistance Program. Please note that the \$47,300 recommended for the South West Area Neighborhood Association, represents their first RAP allocation. Their service area, Genesee-Jefferson, was formerly serviced by the Montgomery Neighborhood Center, which will continue to serve the remaining southwest quadrant.

<u>Administering Agency</u> <u>Neighborhoods</u>	<u>Amount</u>
Charles Settlement House Charlotte, Maplewood	\$ 125,000
Coalition of North East Assoc. Upper Falls	100,000
Group 14621 Community Assoc. 14621 Neighborhood	80,000
Marketview Heights Association South Marketview Heights	110,000
Montgomery Neighborhood Center Bullshead, Cornhill, Mayor's Heights, 19th Ward, Plymouth-Exchange, Southeast Dutchtown	170,000
North East Area Development Beechwood, Browncroft, Culver-Winton, Homestead Heights, Northland Lyceum	175,000
North East Block Club Alliance North Marketview Heights	130,000
Northwest Community Services Brown Square, Edgerton, Lyell-Otis, North Dutchtown, Southwest Dutchtown, Susan B. Anthony	205,000
South East Area Coalition Atlantic-University, Cobbs Hill, East Ave., Ellwanger-Barry, Highland, Park Ave., Pearl-Meigs-Monroe, Strong, Swillburg, Upper Monroe	130,000

Southwest Area Neighborhood Assn. Genesee-Jefferson	47,300
South Wedge Planning Committee South Wedge	<u>85,000</u>
Total	\$1,357,300

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-78

Ordinance No. 2004-186
(Int. No. 184)

Authorizing Agreements With Neighborhood Organizations For Administration Of The Residential Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations or the following amounts are allocated for the administration of the Residential Assistance Program:

<u>Administering Agency</u> <u>Neighborhoods</u>	<u>Amount</u>
Charles Settlement House Charlotte Maplewood	\$ 125,000
Coalition of North East Associations Upper Falls	100,000
Group 14621 Community Association 14621 Neighborhood	80,000
Marketview Heights Association South Marketview Heights	110,000
Montgomery Neighborhood Center Bullshead Cornhill Mayors Heights 19th Ward Plymouth-Exchange Southeast Dutchtown	170,000
North East Area Development Beechwood Browncroft Culver-Winton Homestead Heights Northland Lyceum	175,000
North East Block Club Alliance North Marketview Heights	130,000
Northwest Community Services Brown Square Edgerton Lyell-Otis North Dutchtown Southwest Dutchtown Susan B. Anthony	205,000
South East Area Coalition Atlantic-University Cobbs Hill East Avenue	130,000

Ellwanger-Barry Highland Park Avenue Pearl-Meigs-Monroe Strong Swillburg Upper Monroe	
Southwest Area Neighborhood Assn. Genesee-Jefferson	47,300
South Wedge Planning Committee South Wedge	<u>85,000</u>
Total	\$1,357,300

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$1,357,300, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Consolidated Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-187
Re: Emergency Assistance for City Homeowners (EACH)

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$350,000 from the 2004-05 Community Development Block Grant (Improving Housing Stock and Property Conditions Allocation) to finance the 2004-05 Emergency Assistance for City Homeowners Program (EACH).

The EACH Program provides emergency grants of up to \$3,500 per property (\$4,500 when involving lead issues and up to \$7,000 for roof tear-offs), and is administered by City staff from the Bureau of Housing & Project Development. Grants are available to owner-occupants whose household incomes do not exceed 80% of the Median Family Income for the Rochester Metropolitan Statistical Area. The proposed appropriation will also supplement the City's Rehab Rochester Program, whose funding is being shared with the City's Lead Hazard Reduction initiative.

The EACH Program provides grants for emergencies only, and is available city-wide. EACH also helps the emergency needs of property owners when Residential Assistance Program funds are fully subscribed or when the workloads of RAP agency staff have reached maximum capacity.

Since the program's inception in November, 2002, a total of 232 properties have received grants; four additional properties are in progress. Listed below is a breakdown of emergencies that have been serviced by the program since 2002:

Roof Replacements	87
Furnace/Boiler Replacements	46
Plumbing Emergencies	43
Sewage Back-ups	22
Electrical Emergencies	11
Water Line Replacements	7
Other Emergencies	<u>16</u>
Total	232

The most recent agreement was authorized by the City Council on June 17, 2003.

At the current average of \$4,149 per grant, the proposed allocation will provide approximately 84 grants.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-187
(Int. No. 185)

Appropriation Of Funds And Authorizing Agreements For The Emergency Assistance For City Homeowners (EACH) Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$350,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program to fund the Emergency Assistance for City Homeowners (EACH) Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Emergency Assistance for City Homeowners (EACH) Program.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-188
Re: Water Service Replacement Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$20,000 from the 2004-05 Community Development Block Grant (Improving Housing Stock and General Property Conditions Allocation) to help fund the cost of water service replacements for income-eligible households and authorizing any agreements required to undertake the improvements.

During the course of street improvement projects involving water main renewals and replacements, it is frequently determined that older galvanized water services to City homes cannot be reconnected. Owners are then temporarily connected to hydrants or the outside water supplies of adjacent property owners. Replacing water service and reconnecting to the curb box is the responsibility of the homeowner.

The funds requested here are intended to provide assistance for lower-income households for whom the costs of replacement would be burdensome. These funds are available when the City's Residential Assistance Program resources have been exhausted.

Property owners benefiting from this allocation would be serviced by City staff from the Technical Services Division of the Bureau of Housing & Project Development. Staff would provide pre-inspection services, conduct intake and determine eligibility, with work orders immediately issued for those meeting program criteria.

The most recent appropriation for such administration was authorized by the City Council on August 21, 2001. Since then, 14 properties have received assistance through this program.

The number of new services that can be provided with this \$20,000 allocation are subject to the linear feet of required excavation and the time of year the services are rendered. Based on prior program expenditures, it is likely that between 7-10 new water services can be constructed using these resources.

Respectfully submitted,
William A Johnson, Jr.
Mayor

Ordinance No. 2004-188
(Int. No. 186)

Appropriating Funds And Authorizing Agreements For Water Service Replacements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program the sum of \$20,000, or so much thereof as may be necessary, to fund the replacement of broken water services for income-eligible homeowners.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of this Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-189
Re: Agreement - ABC, Joint Energy
Conservation Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$90,000 from the 2004-05 Community Development Block Grant (Improving Housing Stock and General Property Conditions Allocation) to partially finance the Joint Energy Conservation Program

and authorizing any required agreements with Action for a Better Community, Inc. (ABC), 550 East Main Street, for continued administration of the program.

Since 1978, ABC has administered an energy conservation program through grants from the NYS Division of Economic Opportunity. Grants of up to \$4,000 can be provided for physical improvements that reduce energy consumption. Each year, approximately 350 property owners whose income falls below 50% of Median Family Income for the Rochester Metropolitan Statistical Area (MFI) benefit from the state funded program.

In 1994, the City began providing supplemental matching funds to ABC for the program for owners whose income exceeded the maximum State DEO guidelines of 50% of MFI but fell below the City's maximum of 80% MFI. The maximum supplement available from the City share is \$3,000. Households assisted with City funds, and whose incomes fall below 50% MFI, will be matched by state resources up to a combined maximum of \$4,000.

The most recent agreement for such supplemental funding was authorized by the City Council on June 17, 2003.

To be eligible for the City/CDBG supplement, an applicant must be:

1. An owner-occupant whose household income falls below 80% of median, or
2. An investor-owner who:
 - a. Rents the unit(s) to tenants who meet the guidelines,
 - b. Agrees not to increase the rent rate for at least two years, and
 - c. Contributes a minimum of 38.5% to the cost of the improvements.

And, use of the City/CDBG portion of the grant is limited to: Window, furnace and hot water tank replacement; attic and wall insulation; and various miscellaneous repairs.

ABC's administration of the program includes the preparation and review of grant applications, assessment of the repair needs and coordination of the work. Their program also includes a minimum of two energy conservation workshops per year. 47 properties have benefited in 2003-04 (as of May 1).

Under the proposed agreement, the supplemental program will be continued for another year. The CDBG allocation will provide for a minimum of 55 grants and administrative costs of \$7,500.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-79

Ordinance No. 2004-189
(Int. No. 187)

Authorizing An Agreement For Continued Administration Of The Joint Energy Conservation Program

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Inc. for continued administration of the Joint Energy Conservation Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$90,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Consolidated Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-190
Re: Tool Lending Library Programs

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$15,000 from 2004-05 Community Development Block Grant (Improving Housing Stock and General Property Conditions Allocation) to help finance the cost of operating three neighborhood-based tool lending libraries, and authorizing any required agreements to administer the program.

For several neighborhoods, tool lending libraries have been a valuable program enabling residents to keep up with periodic repairs and yet be able to save on tool expenses. The City has funded many such libraries in the past with the most recent appropriation of \$10,000 approved by the City Council on June 19, 2001.

The \$15,000 proposed for appropriation would be split evenly among three (3) existing libraries administered by North East Area Development, the South East Area Coalition, and South Wedge Planning Committee.

Funds for these libraries would be applied to:

1. The purchase of new tools and the replacement of worn-out tools from a list of approved tools provided by the City;
2. Use of funds to arrange for rental of "specialized tools" approved by the City;
3. Certain training activities and or workshops;
4. Flyers, brochures, and other pre-approved marketing materials; and
5. The cost of any supplemental tool lending library insurance.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-190
(Int. No. 188)

Appropriating Funds And Authorizing Agreements For The Tool Lending Library Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program the sum of \$15,000, or so much thereof as may be necessary, to fund the Tool Lending Library Program.

Section 2. The Mayor is hereby authorized to enter into necessary agreements for the Tool Lending Library Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-191
Re: Business Programs

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to ten business assistance programs administered by the Department of Economic Development. This legislation will:

1. Appropriate a total of \$1,869,400 for the programs from the Economic Stability allocation of the 2004-2005 Community Development Block Grant; and
2. Authorize any agreements required to implement the programs.

Business Assistance Program (\$80,000)

The program strengthens operators' skills through technical assistance provided by various consultants in the areas of business practices and accounting, advertising, store design, computer hardware and software selection, and visual merchandising. A matching grant assists businesses with the implementation of consultant recommendations. 62 businesses will be assisted.

Business Association Support (\$140,000)

The Business Association Support Program will provide funds to business associations for organizational, advertising, promotional and clean-up activities. It is projected that assistance will be provided to 300 businesses through 17 business associations.

Commercial Exterior Improvement Program (\$50,000)

This activity provides matching grants of up to \$30,000 for commercial buildings in the targeted Chili Avenue area and grants of up to \$10,000 for commercial buildings in the S. Clinton Avenue area. A City Development Fund appropriation of \$130,000 for the grants is included in the 2004-05 Consolidated

Community Development Plan that was approved by City Council on May 18, 2004.

The proposed appropriation will finance the costs of continued provision of architectural services for the programs.

Entrepreneurial Training (\$65,000)

This program provides training to individuals who are planning to either start or expand their retail or consumer service business. This may include training through the Business Ownership Training School and other enterprise development provider agencies. 35 individuals will be assisted, and 4 businesses will be created/expanded.

High Technology of Rochester (HTR) (\$15,000)

HTR is a non-profit organization designed to develop and implement a coordinated strategy for the creation and/or expansion of high technology industries in the Rochester area. They provide technical assistance, venture capital forums and training sessions. Besides the CDBG appropriation from the City, the organization is financed by Rochester Business Alliance, Monroe Community College, Rochester Gas & Electric, University of Rochester and others.

The proposed City appropriation is the same as the current amount.

Industrial Loan Fund (\$750,000)

The fund provides below market rate loans to large and small industries. The proceeds of the loans may be used for the purchase of machinery and equipment. The fund will also be used for real estate loans involving acquisitions, additions or improvements. An equity investment is required. The loan will be converted to a grant in cases where the business meets pre-determined job generation goals. 8 businesses will be assisted. In addition, a City Development Fund appropriation of \$141,000 was included in the 2004-2005 Consolidated Community Development Plan that was approved by City Council on May 18, 2004.

To date, \$6,328,100 has been appropriated for the program. Loans totaling \$4,382,880 have been provided to 28 companies, resulting in the creation or retention of 2,121 jobs. The current balance of the fund is \$1,945,220.

Neighbors Shopping Neighborhoods (\$15,000)

The program is designed to increase the patronage of city businesses and services. It consists of maintaining an inventory of businesses and a website directory. 2,800 businesses will be assisted.

Section 108 Loan/Loss Reserve (\$498,700)

Under the Section 108 Loan Program, loans are provided to industrial and commercial businesses for facility expansion, renovation, equipment, acquisition and working capital. For any loan, the funds are provided by the federal government through the City.

As a condition of the loan, the City is contingently liable for repayment of the loan in the event of default by the businesses. A loan reserve account has been established for this purpose. Since 1982, loans totaling approximately \$48.185 million have been provided to 42 businesses. Disbursements from the reserve account have totaled \$2,393,600 for loan

defaults by 18 businesses.

Technical Assistance Services (\$90,000)

This funds agreements for the provision of the following services: Feasibility analysis, appraisal, technical assistance in the structuring of financing plans for development projects, advocacy in securing state and federal grants, and assistance in the identification of alternative funding sources. 20 businesses will be assisted.

Pre-Development Grants (\$165,700)

This initiative provides matching grants of up to \$25,000 to businesses and eligible development entities for the following purposes: Environmental investigation, feasibility analysis, preliminary architectural and engineering analysis, and appraisals necessary to quantify the redevelopment costs of brownfield sites. 10 businesses will be assisted.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-191
(Int. No. 189)

Approving Business Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Economic Stability Allocation of the 2004-05 Community Development Program the sum of \$1,869,400, or so much thereof as may be necessary, to fund the following programs in the following amounts:

Business Assistance Program	\$ 80,000
Business Association Support Program	140,000
Commercial Exterior Improvement Program	50,000
Entrepreneurial Training	65,000
High Technology of Rochester	15,000
Industrial Loan Fund	750,000
Neighbors Shopping Neighborhoods	15,000
108 Reserve	498,700
Technical Assistance Services	90,000
Pre-Development Grants	165,700

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-192
Re: Agreement - National Elevator
Inspection Services, Inc.

R2010: Campaign 3 - Health, Safety &
Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation

authorizing an agreement with National Elevator Inspection Services, Inc., of St. Louis, for the continued provision of elevator inspection and certification services. The maximum annual cost of this agreement will be \$20,000, which will be financed from the 2004-05 Budget of the Department of Community Development.

Under Chapter 50 of the City Code, any new or existing elevator in Rochester must be inspected and certified prior to its initial use and periodically thereafter. Since 1987, National has performed the required inspections and certifications for the City under periodic agreements. The most recent agreement was authorized by the City Council on July 22, 2003.

The Bureau of Buildings and Zoning formed an internal task group in 2003 to perform an elevator inspection study to identify and implement strategies for process improvement. To date, the following strategies have been implemented:

1. Transferred oversight of elevator enforcement function from the Permit Office to the Plan Review and Inspection Division;
2. Increased monitoring and enforcement of certification;
3. Updated information management system for faster and easier access to elevator enforcement records; and
4. Improved staff training.

Under the proposed agreement, National will provide the following services at the following designated rates:

1. Review and approval of all permit applications, plans and specifications related to the construction and installation of elevators (\$72.00 per hour);
2. Initial inspection or safety testing of new elevators (\$72.00 per hour);
3. Periodic re-inspections of existing elevators (\$62.00 per unit);
4. Periodic re-inspections of wheelchair lifts (\$62.00 unit);
5. Issuance of certificates, as appropriate (no charge);
6. Investigation of complaints of improper maintenance referred by DCD (no charge); and
7. As necessary, decommissioning elevators for use when ordered by the Commissioner of DCD (\$62.00 per unit).

The fees for the review of permit applications, plans and specifications will be paid by the City. The fees for initial inspection, safety test and re-inspections will be paid directly by the applicant.

The agreement will have a term of one year with provision for renewal for one additional one-year period.

At present, approximately 20 new permit applications for elevators are received each year. The total estimated cost to the City for review of these applications and other enforcement related inspections/decommissioning is \$20,000. Revenue from elevator permit

applications partially offsets this cost.

Approximately 2,900 certificates are issued each year, each of which requires an inspection. Elevators are also subject to annual safety inspections and every five years a full load test inspection. Total annual fees received by National, from both the City and applicants, are expected to be approximately \$400,000.

Respectfully submitted,
William A. Johnson, Jr.,
Mayor

Ordinance No. 2004-192
(Int. No. 190)

Authorizing An Agreement For Elevator Inspection Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into the extension of an agreement with National Elevator Inspection Services, Inc. for the continued provision of elevator inspection services in the City of Rochester for a period of one year, with an additional one-year renewal option.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000 annually for such services, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 and 2005-06 budgets of the Department of Community Development, contingent upon approval of said budgets. The agreement shall also establish the amounts to be paid for certain services by the permit applicants.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-193
Re: Agreement - Landmark Society,
Real Estate Marketing Initiative

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$90,000 from the 2004-05 Community Development Block Grant (Housing Stock and General Property Conditions Allocation) for continuation of the Real Estate Marketing Initiative authorizing any necessary agreements to administer the program.

Begun in 1998, the Marketing Initiative is designed to encourage more people to consider purchasing city homes, to assist real estate agents to list and sell properties in the city, to assist neighborhood associations in developing relationships with the real estate community, and to promote the historic qualities and unique character of city neighborhoods and homes. The program is administered by the Landmark Society with the assistance of the Greater Rochester Association of Realtors.

The most recent agreement for such administration was authorized by City Council on August 26, 2003. From May 2003 to April 2004, the following were accomplished:

1. The "Home Room," which contains informational materials and displays about city living and a multiple listing service computer, was visited by 125 persons;
2. Internet traffic on the Home Room's web site logged 206,937 visitors, with an average of 567 a day. The average visit was 11 minutes. For the peak month of March, 2004, there were 860 visitor sessions per day, 26,668 visits for the month;
3. The "Marketing Historic Houses Successfully" training class, which provides 15 hours of instruction, was completed by 26 real estate agents. To date, this brings the total number of agents benefiting from the classes to 307;
4. City neighborhoods were featured in three editions of the Landmark Society's newsletter;
5. The website was expanded and refined to appeal to those outside of Rochester, while remaining useful to residents. A new section was added to provide more comprehensive information on housing, neighborhoods and related programs. This feature is also now found on the City of Rochester's home page with the "Housing & Neighborhoods" icon.

Under the proposed agreement, the Landmark Society will:

1. Continue to operate the Home Room;
2. Expand and link the web site to other relevant web sites;
3. Continue to provide a Real Estate agent training class, approved by the NYS Department of State for credit for the Realtor Continuing Education Program;
4. Continue the "Home Work" column of City newspaper. In addition, the "Home Work" column has been added to the Home Room web page which includes a section on homebuying;
5. Increase radio and television advertisements; and
6. Continue to support "City Living Sundays".

Additionally, the Home Room Project will work with City of Rochester staff on related projects which, in the past year, included researching neighborhood history, promoting the Susan B. Anthony neighborhood and surveying city residents. The Home Room Project has also been featured as a "Best Practice" by the National Trust for Historic Preservation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-193
(Int. No. 191)

Authorizing An Agreement For The Real Estate Marketing Initiative

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society of Western New York, Inc. to continue the real estate marketing initiative.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$90,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-194
Re: 2004-05 Budgets - Cultural Center Commission

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the 2004-05 operating and capital budgets of the Cultural Center Commission. This legislation will:

1. Approve the budgets proposed by the Commission for the period from July 1, 2004 through June 30, 2005; and
2. Authorize the Commission to approve during this period the transfer of capital budget appropriations not exceeding \$10,000.

The proposed budgets were approved by the Commission on April 27, 2004. They have been reviewed by the Budget Bureau of the City and the Office of Management and Budget of Monroe County.

Approval of the budgets by the City Council (and County Legislature) is required by Chapter 613 of the Laws of 1979 of the State of New York. Delegation to the Commission of the authority to subsequently expend funds from the budgets was approved by the Council on September 9, 1980 and the Legislature on September 30, 1980.

The total amount of funds available to the Commission for use during 2004-05 is \$614,035.

Revenues	
Mortgage Payoff	\$173,500
Net Property Maintenance Fund	49,067
T-Mobile	15,000
East End Alliance donation	1,686
Unused Balances	
2003-04 Operating Budget	7,286
2004-05 Capital Budget	367,496
Total	\$614,035

The Commission has proposed that \$86,827 of this amount be appropriated for the 2004-05 operating budget and \$527,208 for the capital budget.

The proposed operating budget is \$206 more than the 2003-04 budget.

	2003-04	2004-05	Variance
Salaries	\$64,099	\$64,330	\$ 231
Employee Benefits	13,113	13,147	34
Personnel Services	\$77,212	\$77,477	\$ 265
Supplies and Equipment	250	250	0
Contractual Expense	8,659	8,600	(59)
Contingency	500	500	0
Total	\$86,621	\$86,827	\$ 206

The proposed capital budget indicates the general purpose for which the available funds are intended to be used. It does not represent actual commitments to specific projects. Any funds not utilized during 2004-05 will be re-appropriated for the 2005-2006 budget.

General Purpose	Amount
Streets/Open Space Maintenance	\$ 17,050
Development	472,823
Executive Design	25,035
Annual Audit	12,300
Total	\$527,208

The authorization for the Commission to approve minor capital transfers is designed to facilitate operations. Similar authorization was approved by the Council on June 17, 2003 for the 2003-04 budget. The Commission has a comparable ability to approve the transfer of operating appropriations pursuant to a Council authorization of September 9, 1981.

The budgets will be considered by the Monroe County Legislature on June 8.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-194
(Int. No. 192)

Approving The 2004-05 Operating And Capital Budgets Of The Cultural Center Commission

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the 2004-05 Operating and Capital Budgets of the Cultural Center Commission as adopted in Cultural Center Commission Resolution No. 2 of 2004. The Council specifically authorizes the Cultural Center Commission to transfer funds within the Cultural Center Commission Capital Account in an amount not to exceed \$10,000 during the fiscal year. The Commissioner of Economic Development of the City of Rochester is further authorized to transfer unencumbered funds in the Operating Budget from one account to another in accordance with the financial and budgetary practices of the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-195
Re: Determinations and Findings -
Project Turnaround

R2010: Campaigns 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the determinations and findings related to acquisition of three properties as part of Project Turn-around. Such determinations and findings are required by Article 2 of the Eminent Domain Procedure Law. The properties to be acquired are: 87 Maria Street, 53 Loomis Street, and 119 Thomas Street.

A public hearing on this matter was held by the Council on May 18, 2004, and there were no speakers. The following determinations and findings are proposed:

1. Project description - Acquisition and demolition of vacant blighted properties to facilitate the construction of new housing in and around Maria Street.
2. Project purpose - Acquisition will eliminate a blighting influence and enable the construction of new residential housing. As a result, the City's tax base will be expanded and the value of existing properties in the area will increase.
3. Project effect - Visual appearance of the surrounding residential area will be enhanced, and new residential units will become available.

If these determinations and findings are approved, the legislation authorizing the property acquisition may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-195
(Int. No. 193)

Determination And Findings Related To The Acquisition Of Three Properties As Part Of Project Turnaround

WHEREAS, the City of Rochester proposes to acquire three (3) properties as part of Project Turn-around, and

WHEREAS, the Council of the City of Rochester held a public hearing on May 18, 2004 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of these parcels,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby makes the following determination and findings concerning the acquisition of these properties as part of Project Turnaround:

- a. Project Location: The City proposes the public acquisition of the following parcels:

Address	SBL #
87 Maria St.	106.23-3-54
53 Loomis St.	106.23-3-50
119 Thomas St.	106.24-2-65

b. Public purpose and general effect:

1. These parcels have been designated for acquisition to further the objective of Project Turnaround which calls for the reduction of dwelling unit density, the expansion of certain private yard spaces, and the development of new residential structures on lots that will exceed the current standard for minimum buildable lot sizes. The City has already acquired other properties through various tax foreclosure and acquisition actions. In order to continue implementation of the plan, the City proposes to acquire these privately owned parcels to further the objectives of the project. The project will also enhance the value of nearby private properties by eliminating blighted property.
2. The general effects of the acquisition of these parcels on the environment and the residents of the immediate area will be beneficial. The project will have no significant adverse environmental effects. The resulting vacant land will provide sites for new rental units and single family owner occupied homes. The acquisition and demolition of the three (3) structures will immediately eliminate their blighting impact on surrounding properties and their effect as nuisances.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 142 was introduced May 18, 2004, and appears in its original form with its transmittal letter on page 119 of the current Council Proceedings.

Attachment No. AD-30

Ordinance No. 2004-196
(Int. No. 142)

Approving The Acquisition Of Parcels For The Project Turnaround Challenged Street Program By Negotiation Or Condemnation

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-17
Re: Appointment - Zoning Board of Appeals

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment of Karanja Augustine to the Zoning Board of Appeals.

Mr. Augustine is Senior Vice President and Corporate Counsel to Eltrex Industries, Inc. located at 65 Sullivan Street. He resides at 32 Menlo Place.

Mr. Augustine will be replacing Michael Ware who resigned from the Zoning Board in April, 2003 and whose term expired on June 30, 2002. Mr. Augustine will be appointed to a two year term which will expire on June 22, 2006. A copy of Mr. Augustine's resume is on file in the City Clerk's Office.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Resolution No. 2004-17
(Int. No. 194)

Resolution Approving Appointment To The Zoning Board Of Appeals

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Karanja Augustine, 32 Menlo Place, to the Zoning Board of Appeals for a term which shall expire on June 30, 2006. Mr. Augustine shall replace Michael Ware, whose term has expired.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-18
Re: Appointment - City Planning Commission

R2010: Campaign 7 - Quality Service

Transmitted herewith for your consideration is legislation confirming the appointment of Steven V. Rebholz to the City Planning Commission.

Mr. Rebholz is a Senior Associate with SWBR Architects and Engineers and resides at 92 Westchester Avenue.

Mr. Rebholz will be appointed to a full, two year term. His term will extend through May 31, 2006. A copy of Mr. Rebholz's resume is on file in the City Clerk's office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-18
(Int. No. 195)

Resolution Approving Appointment To The City Planning Commission

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Steven V. Rebholz, 92 Westchester Avenue, to the City Planning Commission for a term which shall expire on May 31, 2006.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Introductory No. 141A was introduced May 18, 2004, and appears in its original form with its transmittal letter on page 114 of the current Council Proceeding.

Attachment No. AD-55

Ordinance No. 2004-197
(Int. No. 141A)

Authorizing The Sale Of Real Estate

Passed Unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-198,
2004-199, And 2004-200
Re: Urban Renewal Plan - La Marketa
North Clinton Avenue

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legisla-
tion to:

1. Adopt the Urban Renewal Plan for the La Marketa North Clinton Avenue Urban Renewal District;
2. Amend the Zoning Map by changing the zoning classification of nine properties at 804-844 North Clinton Avenue from C-2 Community Center and five properties at 7 and 11 Sullivan Street and a portion of 9 Sullivan Street from R-1 Low Density Residential to La Marketa North Clinton Avenue Urban Renewal District; and
3. Amend the Zoning Code by adding section 120-120N to include all of the provisions of the proposed La Marketa North Clinton Avenue Urban Renewal District.

The affected area, which consists of 14 properties is generally bounded by North Clinton Avenue on the west, Sullivan Street on the north, the eastern boundaries of 11 Sullivan Street, 822 and 818 North Clinton Avenue and 8 Hoeltzer Street and Hoeltzer Street on the south. The attached La Marketa North Clinton Avenue Urban Renewal Plan for the proposed La Marketa North Clinton Avenue Urban Renewal District provides both boundaries and legal descriptions. (See "Exhibit A" for Project Boundary Map).

The proposed Urban Renewal Plan is intended to facilitate the redevelopment and revitalization of North Clinton Avenue, pursuant to a condition analysis report prepared by Erdman Anthony in June 2002. A copy of the report is available for review in the Office of the City Clerk.

The district would include 2.23 acres and currently contains two take out restaurants, six City-owned vacant buildings, one privately-owned vacant building and five City-owned vacant lots. Many of the structures within the district are in deteriorated condition. Five of the City-owned structures are slated for demolition.

The proposed development is intended to provide a major new commercial/retail facility and additional off-street parking with limited access to North Clinton Avenue for the existing commercial properties.

The parcels were designated for Urban Renewal by City Council Ordinance No. 2003-33, which was approved by the Mayor, and duly adopted, on October 22, 2003.

The Planning Commission held an informational hear-

ing on May 17, 2004. Two persons spoke in support of the requested zoning map and text amendment. No one spoke in opposition. By a vote of 4-0, the Commission recommended approval.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-81

Ordinance No. 2004-198
(Int. No. 197)

Approving The Urban Renewal Plan For The La Marketa North Clinton Avenue Urban Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following Urban Renewal Plan for the La Marketa North Clinton Avenue Urban Renewal Project:

LA MARKETA
NORTH CLINTON AVENUE
URBAN RENEWAL PLAN

TABLE OF CONTENTS

- I. DESCRIPTION OF PROJECT
- II. URBAN RENEWAL OBJECTIVES
- III. URBAN RENEWAL ACTIONS
- IV. LAND USE PLAN
- V. URBAN RENEWAL PROCEDURES
- VI. TERM OF URBAN RENEWAL PLAN
- VII. OBLIGATION OF DEVELOPERS
- VIII. URBAN RENEWAL PLAN AMENDMENT
- IX. RELATIONSHIP TO THE ROCHESTER ZONING CODE
- X. SPECIAL PROVISIONS

EXHIBITS:

- A. MAP 1 - PROJECT BOUNDARY MAP
- B. MAP 2 - LAND DISPOSITION MAP
- I. DESCRIPTION OF PROJECT

A. LOCATION/BOUNDARY

The La Marketa North Clinton Avenue Urban Renewal Project is located in Rochester, New York along the east side of North Clinton Avenue between Sullivan Street and Hoeltzer Street.

B. LEGAL DESCRIPTION

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows: Beginning at the point of intersection of the centerlines of North Clinton Avenue (66' ROW)

and Sullivan Street (40' ROW), said intersection being the point or place of beginning; thence

- 1) Easterly, along the said centerline of Sullivan Street, a distance of 300 feet, more or less, to the intersection of the northerly projection of the centerline of Lot 12 of the J. Helfer Subdivision, as filed in the Monroe County Clerk's Office in Liber 3 of Maps, Page 58; thence
- 2) Southerly, along said extension and the centerline of Lot 12, a distance of 182.1 feet, more or less, to a point on the northerly line of lands of Armando Espinosa, as conveyed in Liber 9253 of Deeds, Page 163; thence
- 3) Easterly, along said north line of Espinosa, a distance of 4.6 feet, more or less, to the northeast corner thereof; thence
- 4) Southerly, along the easterly line of said Espinosa and the westerly line of Lot 13 of the Raab and Hoelzer Subdivision, as filed in the Monroe County Clerk's Office in Liber 116 of Deeds, Page 497, and its southerly projection, a distance of 179.2 feet, more or less, to a point in the centerline of Hoeltzer Street (32' ROW); thence
- 5) Westerly, along said centerline of Hoeltzer Street, a distance of 236 feet, more or less, to a point in the centerline of said North Clinton Avenue; thence
- 6) Northerly, along the centerline of said North Clinton Avenue, a distance of 363 feet, more or less, to the centerline intersection of Sullivan Street, said intersection being the point or place of beginning.

C. BACKGROUND

The La Marketa North Clinton Avenue Urban Renewal Project is a vital part of the North Clinton Avenue Corridor between Upper Falls Boulevard and Avenue D which has been the subject of a four phase process for the revitalization of this critical neighborhood commercial area. The four phases include: Visioning, Economic Analysis/Action Plan, Design, and Implementation. The existing corridor is characterized by deteriorated and vacant commercial structures resulting from years of declining neighborhood population, aging buildings, crime and drug use and inadequate parking. The revitalization project represents a major opportunity to transform this deteriorated and underutilized neighborhood commercial strip in the City's northeast section into a unique and vital ensemble of commercial goods and service businesses that benefit neighborhood residents as well as outside visitors. In March 2001, the Economic Analysis and Action Plan identified approximately 30,000 sq. ft. of additional commercial space that could be supported by the existing market. During this phase, this 800 block site was identified as having major development potential. The Design phase which included a community wide design charette yielded a final master plan for the corridor and proposed, by way of an illustrative site plan, the various design elements incorporated in the Urban Renewal Plan.

D. COMPLIANCE WITH ROCHESTER 2010:

THE RENAISSANCE PLAN

The following comprehensive plan campaign goals are supported by this plan:

Campaign Three - Health, Safety, and Responsibility Goals:

- (A) Promote neighborhoods that are safe, clean and attractive, that minimize drug sales and use, loitering, graffiti, public drunkenness, property code violations, incidents of fires and other negative quality of life issues and that ultimately reduce the demand for public safety services.

Campaign Six - Economic Vitality Goals:

- (B) Develop a business and financial environment that encourages businesses and individuals to build on our rich entrepreneurial spirit.
- (C) Develop strong, economically viable and diverse neighborhood commercial areas that help to provide entry-level jobs, high-quality goods and personal services to our citizens, offer entrepreneurial opportunities and help increase our city's economic development and growth.
- (G) Support and promote opportunities for shopping for residents and visitors at stores, businesses and personal shops within our city.

Campaign Eight - Tourism Destination Goals:

- (A) Encourage sporting events and venues, special festivals, events, celebrations and conventions that help to bring visitors into our city and create an image and "sense of place" that is locally, regionally and nationally recognized.
- (B) Encourage and help create appropriate private, market-driven investments in the local tourism industry that result in additional revenue for businesses and the creation of new jobs for local residents.
- (F) Develop diverse, unique tourism attractions that balance economic issues and impacts with neighborhood preservation, enhancement and protection.
- (G) Capitalize on our many recreational, historic, civic and business assets as well as our high quality of life to expand recognition of Rochester as a highly desirable tourism destination and attractive place to live.

Campaign Nine - Healthy Urban Neighborhoods Goals:

- (C) Encourage strong, stable, vital and healthy neighborhoods that retain their unique characteristics, are supported by appropriate community resources, services and amenities in village-like settings with neighborhood commercial centers serving nearby residential neighborhoods, provide essential goods and services and help create a high quality of life for every citizen.

- (D) Support programs, facilities and events in our neighborhoods and village centers where citizens celebrate the positive aspects of city living as well as communicate and collaborate on issues important to our community's future.
- (E) Ensure adequate parking resources or facilities that balance the protection of neighborhoods and residences with the need to sustain the economic viability and vitality of commercial areas.

II. URBAN RENEWAL OBJECTIVES

The following are key objectives for the La Marketa North Clinton Avenue Urban Renewal District:

- A. The elimination of substandard and deteriorated structures and other blighting influences in the project area, through demolition and subsequent redevelopment.
- B. The promotion of economic development in and around the project area, through private commercial development, supporting parking facilities and public access.
- C. To convey by lease or fee simple agency owned vacant property to developers to support private development.
- D. The generation of additional jobs and municipal tax base within the project area in order to maximize utilization of City land area.
- E. To make better use of underutilized land and buildings within the project area.
- F. The beautification of the project area through the construction of new sidewalks and streetscape improvements.
- G. To improve security and safety in the project area.

III. URBAN RENEWAL ACTIONS: (See "Exhibit B" for Land Disposition Map)

The Urban Renewal actions to be undertaken in the project area consist of the following:

- A. Acquire selected properties from private owners.
- B. Resubdivide acquired land into several parcels for development or rehabilitation.
- C. Demolish and remove selected structures on acquired property.
- D. Dispose of project area development sites by sale to qualified developers for redevelopment or rehabilitation in accordance with standards incorporated in the Plan.
- E. Provide relocation assistance in accordance with NYS Relocation Guidelines.
- F. Provide funding assistance in the rehabilitation and redevelopment of development sites.
- G. Adopt land use controls to implement the objectives of the Plan.

IV. LAND USE PLAN:

A. Purpose

The La Marketa North Clinton Urban Renewal District is intended to provide a major new commercial/retail facility integrated with a lively and colorful plaza to serve as a gathering place and shopping center for this mixed ethnic neighborhood. Rehabilitation opportunities and additional off-street parking with limited access to North Clinton Avenue will be offered to existing commercial properties which retain the original character of the Avenue. Pedestrian access through open and enclosed areas along an east-west axis will link North Clinton Avenue to the interior of the block east of the District for future development opportunities. A vehicular drive along the eastern boundary of the District will link the one-way boundary streets and thereby facilitate access to parking on the site.

B. Land Use Regulations

Land Use Regulations are comparable to the C-2 Community Center District of the Rochester Zoning Code. All of the requirements of the C-2 Zoning District shall apply except as follows:

1. Permitted Uses:

- (a) Public and semi-public uses.
- (b) Retail sales and service.
- (c) Health Clubs and similar facilities.
- (d) Offices.
- (e) Bars, Cocktail lounges and taverns including accessory outdoor seating/assembly areas provided the outdoor areas only operate between the hours of 6:00 a.m. to 11:00 p.m.
- (f) Restaurants and banquet facilities including accessory outdoor seating/assembly areas provided the outdoor areas only operate between the hours of 6:00 a.m. to 11:00 p.m.
- (g) Mixed uses.
- (h) Dwelling units when part of a mixed use development on the second story or above.

2. Special Permit Uses:

- (a) Amusement Centers.
- (b) Entertainment not including sexually oriented uses, subject to the Additional Requirements for Specified Uses in Section 120-137 of the Rochester Zoning Code.

3. Lot, Area and Yard Requirements:

Lot, area and yard requirements shall be subject to the provisions of Section 120-44 of the Rochester Zoning Code except as follows:

- (a) Parcel I - Front yards.

Maximum front yard setback:

North Clinton Avenue N/A

Hoeltzer Street	N/A
Sullivan Street	N/A

4. Bulk Requirements:

Bulk requirements shall be subject to the provisions of Section 120-45 of the Rochester Zoning Code except as follows:

- (a) Maximum building height - principal use or structure - 3 stories or 35 ft.
- (b) Parcel I - Minimum building height - 30% of building - 20ft.
- (c) Maximum square footage

Principal use - N/A
Structure - N/A

5. Design Guidelines and Standards:

Design guidelines and standards shall be subject to the provisions of Article XIX of the Rochester Zoning Code except as follows:

- (a) Parcel I - Exception to section 120-158A-1 and 120-159B-3.

Any building facade facing Sullivan Street or Hoeltzer Street shall have an active building elevation which may or may not include windows and or building entrances. Where such facade does not comply with the window transparency requirement section 120-159B-3, such facade must be set back from the street with a minimum 10 ft. landscaped front yard.

6. Fences and Walls

Fences and walls requirements shall be subject to the provisions of Section 120-167 of the Rochester Zoning Code except as follows:

- (a) No fence shall exceed three (3) feet in height except where it abuts a residential district where such fence or wall shall not exceed six (6) feet in height.

7. Off Street Parking

Off street parking shall be subject to the provisions of Section 120-173 of the Rochester Zoning Code except as follows:

- (a) Required parking spaces:
 - [1] Minimum number of parking spaces - N/A
 - [2] Maximum number of parking spaces - N/A
- (b) No parking shall be permitted between a building and the sidewalk on the street within a building's street frontage.
- (c) Parcel I - accessory parking shall be located at the rear (east side) of the parcel.

8. Signs

Signs shall be subject to the provisions of Section 120-177 of the Rochester Zoning Code except as follows:

- (a) Owner may submit an alternative sign program which shall be subject only to Site Plan Review by the Director of Zoning.

9. Other Requirements:

- (a) Other requirements including provisions regarding accessory uses and structures, air quality, dumpsters and refuse collection areas, flood plain regulations, landscaping buffers and screening, lighting, noise, off-street loading, off-street stacking requirements and outdoor storage shall be subject to the provisions of Article XX of the Rochester Zoning Code.

V. URBAN RENEWAL PROCEDURES

- A. Review of site and development plans. Site and development plans, including landscaping, shall be submitted to the Director of Zoning for review and approval subject to Site Plan Review. Prior to making a determination, the Director of Zoning shall transmit such plans to the Secretary of the Urban Renewal Agency for review and comment with respect to the conformance of such plans with the Urban Renewal Plan and its objectives.
- B. Variance of plan regulations. Variances of Urban Renewal District regulations may be approved by the Zoning Board of Appeals, with the exception of use variances.

VI. TERM OF URBAN RENEWAL PLAN

This Plan shall continue in effect for a period of forty (40) years from the date of its adoption by the Rochester City Council.

VII. OBLIGATION OF DEVELOPERS

When land or buildings within the project area are sold or leased by the City of Rochester or the Rochester Urban Renewal Agency, the purchasers or lessees and their successors or assigns shall be obligated by the terms of the contract to devote such land to the uses set forth in this urban renewal plan and to begin and complete construction of improvements within a reasonable time as established by the instrument of sale or lease.

VIII. URBAN RENEWAL PLAN AMENDMENT

This urban renewal district plan may be amended at any time by the Rochester City Council in accordance with procedures then in effect for the amendment of an urban renewal plan.

IX. RELATIONSHIP TO THE ROCHESTER ZONING CODE

Concurrent with the adoption of the Urban Renewal Plan, Section 120-120 of the Zoning ordinance of the City of Rochester shall be amended to include Section IV of the plan.

X. SPECIAL PROVISIONS

A. Anti-Discrimination

There shall be appropriate covenants running with the land as required by State statutes, rules and regulations with respect to the prohibition of discrimination in the sale, lease, occupancy or use of any real property in the project area on the basis

of race, color, creed or national origin.

Section 2. The Council finds that:

- a. The La Marketa North Clinton Avenue Urban Renewal area is a substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality.
- b. The La Marketa North Clinton Avenue Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an Urban Renewal Program.
- c. The Urban Renewal Plan for the La Marketa North Clinton Avenue Urban Renewal District conforms to the comprehensive plan for the development of the municipality as a whole.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-199
(Int. No. 198)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The La Marketa North Clinton Avenue Urban Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 120-120 of the Municipal Code, relating to Urban Renewal Development Districts, as amended, is hereby further amended by adding the following new subsection N thereto:

N. La Marketa North Clinton Avenue Urban Renewal District.

- (1) Permitted Uses. All of the requirements of the C-2 Zoning District shall apply except as follows:
 - (a) Public and semi-public uses.
 - (b) Retail sales and service.
 - (c) Health Clubs and similar facilities.
 - (d) Offices.
 - (e) Bars, Cocktail lounges and taverns including accessory outdoor seating/ assembly areas provided the outdoor areas only operate between the hours of 6:00 a.m. to 11:00 p.m.
 - (f) Restaurants and banquet facilities including accessory outdoor seating/ assembly areas provided the outdoor areas only operate between the hours of 6:00 a.m. to 11:00 p.m.
 - (g) Mixed uses.
 - (h) Dwelling units when part of a mixed use development on the second story or above.

(2) Special Permit Uses:

- (a) Amusement Centers.
- (b) Entertainment not including sexually oriented uses, subject to the Additional Requirements for Specified Uses in Section 120-137 of the Rochester Zoning Code.

(3) Lot, Area and Yard Requirements. Lot, area and yard requirements shall be subject to the provisions of Section 120-44 of the Rochester Zoning Code except as follows:

(a) Parcel I - Front yards.

[1] Maximum front yard setback:

North Clinton Avenue	N/A
Hoeltzer Street	N/A
Sullivan Street	N/A

(4) Bulk Requirements. Bulk requirements shall be subject to the provisions of Section 120-45 of the Rochester Zoning Code except as follows:

- (a) Maximum building height - principal use or structure - 3 stories or 35 feet.
- (b) Parcel I - Minimum building height - 30% of building - 20 feet.
- (c) Maximum square footage

[1] Principal use - N/A

[2] Structure - N/A

(5) Design Guidelines and Standards. Design guidelines and standards shall be subject to the provisions of Article XIX of the Rochester Zoning Code except as follows:

- (a) Parcel I - Exception to section 120-158A-1 and 120-159B-3. Any building facade facing Sullivan Street or Hoeltzer Street shall have an active building elevation which may or may not include windows and or building entrances. Where such facade does not comply with the window transparency requirement section 120-159B-3, such facade must be set back from the street with a minimum 10 ft. landscaped front yard.

(6) Fences and Walls. Fences and walls requirements shall be subject to the provisions of Section 120-167 of the Rochester Zoning Code except as follows:

- (a) No fence shall exceed three (3) feet in height except where it abuts a residential district where such fence or wall shall not exceed six (6) feet in height.

(7) Off Street Parking. Off street parking shall be subject to the provisions of Section 120-173 of the Rochester Zoning Code except as follows:

- (a) Required parking spaces:

- [1] Minimum number of parking spaces - N/A
- [2] Maximum number of parking spaces - N/A
- (b) No parking shall be permitted between a building and the sidewalk on the street within a building's street frontage.
- (c) Parcel I - accessory parking shall be located at the rear (east side) of the parcel.
- (8) Signs. Signs shall be subject to the provisions of Section 120-177 of the Rochester Zoning Code except as follows:
 - (a) Owner may submit an alternative sign program which shall be subject only to Site Plan Review by the Director of Zoning.
 - (9) Other Requirements. Other requirements including provisions regarding accessory uses and structures, air quality, dumpsters and refuse collection areas, flood plain regulations, landscaping buffers and screening, lighting, noise, off-street loading, off-street stacking requirements and outdoor storage shall be subject to the provisions of Article XX of the Rochester Zoning Code.

Section 2. Section 120-119 of the Municipal Code, relating to Urban Renewal Districts, is hereby amended by adding the following new subsection N thereto:

N. La Marketa North Clinton Avenue Urban Renewal District.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-200 (Int. No. 199)

Changing The Zoning Classification Of 804-844 North Clinton Avenue From C-2 Community Center, And 7, 11 And A Portion Of 9 Sullivan Street From R-1 Low Density Residential, To La Marketa North Clinton Avenue Urban Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described properties, constituting 804-844 North Clinton Avenue from C-2 Community Center, and 7, 11 and a portion of 9 Sullivan Street from R-1 Low Density Residential to La Marketa North Clinton Avenue Urban Renewal District:

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows:

Beginning at the point of intersection of the centerlines of North Clinton Avenue (66' ROW)

and Sullivan Street (40' ROW), said intersection being the point or place of beginning; thence

- 1) Easterly, along the said centerline of Sullivan Street, a distance of 300 feet, more or less, to the intersection of the northerly projection of the centerline of Lot 12 of the J. Helfer Subdivision, as filed in the Monroe County Clerk's Office in Liber 3 of Maps, Page 58; thence
- 2) Southerly, along said extension and the centerline of Lot 12, a distance of 182.1 feet, more or less, to a point on the northerly line of lands of Armando Espinosa, as conveyed in Liber 9253 of Deeds, Page 163; thence
- 3) Easterly, along said north line of Espinosa lands, a distance of 4.6 feet, more or less, to the northeast corner thereof; thence
- 4) Southerly, along the easterly line of said Espinosa lands and the westerly line of Lot 13 of the Raab and Hoelzer Subdivision, as filed in the Monroe County Clerk's Office in Liber 116 of Deeds, Page 497, and its southerly projection, a distance of 179.2 feet, more or less, to a point in the centerline of Hoeltzer Street (32' ROW); thence
- 5) Westerly, along said centerline of Hoeltzer Street, a distance of 236 feet, more or less, to a point in the centerline of said North Clinton Avenue; thence
- 6) Northerly, along the centerline of said North Clinton Avenue, a distance of 363 feet, more or less, to the centerline intersection of Sullivan Street, said intersection being the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2004-201
Re: Zoning Map Amendment - 390, 394- 398, 397-399, 400-404, 401-405, 406- 408, 407, 415, 417, 420-422, 421-423, 426-430 and 429 South Ave. and 422- 486 and 429-455 S. Clinton Ave.

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning eight (8) properties on South Avenue from C-2 Community Center and seven (7) properties on South Avenue and South Clinton Avenue from Center City (CCD)-Riverfront to Center City (CCD)-Base District.

The affected properties, their current uses, the existing and proposed zoning districts are as follows:

390 South Avenue	vacant land
From: CCD-Riverfront	To: CCD-Base
394-398 South Avenue	commercial use
From: CCD-Riverfront	To: CCD-Base
397-399 South Avenue	parking lot
From: CCD-Riverfront	To: CCD-Base
400-404 South Avenue	emergency shelter

From: CCD-Riverfront	To: CCD-Base
401-405 South Avenue	parking lot
From: CCD-Riverfront	To: CCD-Base
406-408 South Avenue	parking lot
From: C-2	To: CCD-Base
407 South Avenue	12 family
From: C-2	To: CCD-Base
415 South Avenue	vacant land
From: C-2	To: CCD-Base
417 South Avenue	office & 1 family
From: C-2	To: CCD-Base
420-422 South Avenue	vacant land
From: C-2	To: CCD-Base
421-423 South Avenue	medical building
From: C-2	To: CCD-Base
426-430 South Avenue	store & 2 apartments
From: C-2	To: CCD-Base
429 South Avenue	office & 3 apartments
From: C-2	To: CCD-Base
422-486 S. Clinton Ave.	Assoc. for the Blind
From: CCD-Riverfront	To: CCD-Base
429-455 S. Clinton Ave.	Assoc. for the Blind
From: CCD-Riverfront	To: CCD-Base

The affected properties are bordered to the north and west by Center City-Riverfront zoning, to the east by R-2 residential zoning and to the south by C-2 commercial and R-2 residential zoning.

The City Planning Commission is the applicant for the proposed map amendment. The rezoning to Center City District was recommended because it would afford greater flexibility in redeveloping the properties and assure that new construction and rehabilitation of existing structures is consistent with the built up character of the area. The CCD zoning will also facilitate the redevelopment of the former Motor Lodge property at 390 South Avenue and other adjoining properties with a mixed use development by Flower City Management.

The original application submitted to the Commission included the rezoning of the seven (7) residential properties at 92-124 Comfort Street from R-2 Residential to CCD and proposed the expansion of the CCD-Riverfront district rather than the CCD-Base district. However, in a referral from the City's Bureau of Planning, it was recommended that the application be modified to exclude the Comfort Street properties. The CCD designation was considered to be overly permissive for the existing residential uses and character of Comfort Street. The CCD-Base District was recommended to be substituted for the CCD-Riverfront District because of the existing design character of structures within the area.

On April 19, 2004, the Planning Commission held an informational hearing; five (5) persons spoke in support of the rezoning request as recommended by the Bureau of Planning. By a vote of 5-0, the Commission recommended approval of the application with the recommended modifications.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, as Lead agency, has determined that the proposal will not result in any significant effects and has issued a negative declaration.

Attached are several documents pertaining to this amendment: The Planning Commission recommendation; the Director of Zoning's explication of the application for rezoning; correspondence from the South Wedge Planning Committee; minutes of the hearing; and a map of the affected area.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-82

Ordinance No. 2004-201
(Int. No. 225)

Changing The Zoning Classification Of 406-408, 407, 415, 417, 420-422, 421-423, 426-430 And 429 South Avenue From C-2 Community Center, And 390, 394-398, 397-399, 400-404 And 401-405 South Avenue And 422-486 And 429-455 South Clinton Avenue From Center City (CCD)-Riverfront, To Center City (CCD)- Base

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described properties, constituting 406-408, 407, 415, 417, 420-422, 421-423, 426-430 and 429 South Avenue from C-2 Community Center, and 390, 394-398, 397-399, 400-404 and 401-405 South Avenue and 422-486 and 429-455 South Clinton Avenue from Center City (CCD)-Riverfront, to Center City (CCD)-Base:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows:

Beginning at the centerline intersection of South Clinton Avenue (60' ROW) and Byron Street (ROW Varies), said intersection being the point or place of beginning;

- Thence 1) Northerly, along said centerline of South Clinton Avenue, a distance of 300 feet, more or less, to the intersection of the centerline of the NYS I-490 traveled way;
- Thence 2) Easterly and southerly, along said centerline of the NYS I-490 traveled way, a distance of 800 feet, more or less, to the intersection with the easterly projection of the northerly line of Lot 11 of the Butts Subdivision, as filed in the Monroe County Clerk's Office in Liber 113 of Deeds, Page 477;
- Thence 3) Westerly, along said north line of Lot 11 and its projection, a distance of 330 feet, more or less, to a point in the center of said South Clinton Avenue;
- Thence 4) Southerly, along said South Clinton Avenue centerline, a distance of 50 feet, more or less, to the centerline intersection of Comfort Street (60' ROW);
- Thence 5) Westerly, along said Comfort Street centerline, a distance of 350 feet, more or less, to the intersection with the southerly projection

- of the easterly line of Lot 2 of the Williams Tract, Section D, as filed in the Monroe County Clerk's Office in Liber 7 of Maps, Page 73;
- Thence 6) Northerly, along said east line of Lot 2 and its projection, a distance of 220 feet, more or less, to the northeast corner of said Lot 2;
- Thence 7) Westerly, along the north line of said Lot 2, a distance of 38 feet to the northwest corner of said Lot 2;
- Thence 8) Southerly, along the west line of said Lot 2, a distance of 82.23 feet to a point;
- Thence 9) Westerly, on a line parallel with and 107.5 feet north of said Comfort Street, a distance of 102 feet, more or less, to the northwest corner of Lot 9 of said Williams Tract, Section C;
- Thence 10) Southerly, along the west line of said Lot 9, a distance of 10 feet, more or less, to a point in the center of Eckhardt Alley (11' ROW);
- Thence 11) Westerly, along the centerline of said Eckhardt Alley, a distance of 39 feet, more or less, to an angle point in said centerline;
- Thence 12) Southerly, continuing along the centerline of said Eckhardt Alley (14' ROW), a distance of 20 feet, more or less, to the easterly projection of the north line of Lot 5 of the R Doviatt Subdivision, as filed in the Monroe County Clerk's Office in Liber 4 of Maps, Page 33;
- Thence 13) Westerly, along said projection and the north line of Lots 3, 4 & 5 of said R Doviatt Subdivision, a distance of 94.7 feet, more or less, to the northwest corner of said Lot 3;
- Thence 14) Southwesterly, along the west line of said Lot 3, a distance of 16.34 feet to the northeast corner of Lot 2 of said R Doviatt Subdivision;
- Thence 15) Westerly, along the north line of said Lot 2 and its westerly projection, a distance of 112 feet, more or less, to a point in the center of South Avenue (66' ROW);
- Thence 16) Northerly, along said South Avenue centerline, a distance of 13 feet, more or less, to the easterly projection of the south line of Lot 3 of the said Williams Tract, Section B;
- Thence 17) Westerly, along said projection and the south line of Lot 3, a distance of 176 feet, more or less, to the center of Orion Alley (15' ROW);
- Thence 18) Northerly, along said Orion Alley centerline, a distance of 113 feet, more or less, to the north line of said alley;
- Thence 19) Easterly, along said north line of Orion Alley and its projection, a distance of 40 feet, more or less, to the southwest corner of lands of Center Properties of Rochester, Inc. per Liber 8900 of Deeds, Page 45;
- Thence 20) Northerly, along the west property lines of said Center Properties of Rochester, Inc. a distance of 103.5 feet, more or less, to an angle point in said property line;
- Thence 21) Westerly, continuing along said property line of Center Properties of Rochester, Inc. a distance of 5.4 feet to an angle point;
- Thence 22) Northerly, continuing along said property line of Center Properties of Rochester, Inc. a distance of 44.4 feet, more or less, to the northwest corner of said property;
- Thence 23) Easterly, along the north line of said Center Properties of Rochester, Inc. and its projection, a distance of 104 feet, more or less, to the said centerline of South Avenue;
- Thence 24) Northerly, along said South Avenue centerline, a distance of 150 feet, more or less, to the intersection of the centerline of Byron Street (ROW Varies);
- Thence 25) Easterly, along the various courses of said Byron Street centerline, a distance of 570 feet, more or less, to the centerline intersection of said South Clinton Avenue, said intersection being the point or place of beginning.
- Section 2. This ordinance shall take effect immediately.
- Passed unanimously.
- TO THE COUNCIL
Ladies and Gentlemen:
- Introductory No. 175
Re: 56 Stutson Street Firehouse
- R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism
- Transmitted herewith for your approval is legislation authorizing the sale of 56 Stutson Street to Center Street Smokehouse, Inc. for \$22,000 for the development of a restaurant.
- The City of Rochester's Economic Development Department issued a Request for Proposal (RFP) in December of 2003. The RFP was mailed to a list of over 100 parties that had expressed interest in the

property. The RFP was also advertised in the Daily Record and the Rochester Business Journal. The property was shown to the public on three scheduled dates; two additional dates were added due to the level of interest. Over 50 parties viewed the property.

Nine proposals were received by the February 27, 2004, 4:00 p.m. deadline. A team of five City staff members from various departments evaluated the proposals based on set criteria, which included the proposed use, relevant experience in renovations and operations, financial capability to carry out the proposed plan, and job creation. Copies of proposals are available in the City Clerk's office for review.

The Center Street Smokehouse, Inc. proposal was unanimously chosen by the team based on their ability to finance the project, their experience renovating an old Post Office from the City of Batavia, and operating a profitable restaurant. Their new restaurant will serve southern-style barbecue and will create over 25 full-time equivalent jobs in Charlotte. They have also agreed to maintain the adjacent public parking lot (owned by NY State) at a minimal cost of \$6,000 per year.

An appraisal of the property by Pogel, Schubmehl & Ferrara, LLC determined a value of \$35,000. Subsequently, the same firm reviewed Phase I and Phase II environmental reports for the property and its value was reduced to \$22,000 to reflect environmental concerns.

Based on their experience with their Batavia restaurant, Center Street Smokehouse, Inc. is estimating project costs to be \$550,000. They are prepared to start work upon approval, and the project should be completed in early Winter 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 175

AUTHORIZING THE SALE OF 56 STUTSON STREET

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of 56 Stutson Street, SBL #047.700-2-32, to Center Street Smokehouse, Inc. for the sum of \$22,000. Center Street Smokehouse, Inc. shall also maintain the adjacent public parking lot owned by New York State, at a minimum cost of \$6,000 annually.

Section 2. City taxes and other City charges, except water charges, against said property are hereby canceled up to the date of closing for the reason that the City has agreed to convey said property free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 196
Re: CDBG Appropriations: East Main Street Assistance Program West Main Street Revitalization, Pre-

Development 108 Loan Loss Reserve

R2010: Campaign 6 - Economic Vitality
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the transfer of funds into existing Economic Development programs.

The legislation will:

1. Amend the 1996-97 and 2001-02 budgets by transferring \$250,000 from the following allocations of the Community Development Block Grant Program to the East Main Street Assistance Program and appropriate said funds;
2. Amend the 1996-97 budgets by transferring \$115,000 from the following allocations of the Community Development Block Grant Program to West Main Street, Revitalization Pre- Development and appropriate said funds; and
3. Amend the 1995-96, 1996-97 and 1997-98 budgets by transferring \$188,963 from the Community Development Block Grant Program to 108 Loan Reserve and appropriate said funds.

<u>Program Allocation</u>	<u>Amount</u>
<u>Program/Activity</u>	
1996-97 Promote Economic Stability Entertainment Dist. Equip.	\$ 150,000
2001-02 Promote Economic Stability Center City Special Projects	100,000
Total	\$250,000
1996-97 Promote Economic Stability Genesee Street Corridor Implementation	\$ 75,000
1996-97 Promote Economic Stability Lake/Monroe/Genesee Street Improvements	40,000
Total	\$115,000
1995-96 Promote Economic Stability Commercial Enhancement District	\$ 5,500
1995-96 Promote Economic Stability Parking Lot Development	63,000
1996-97 Promote Economic Stability Commercial Enhancement District	15,463
1996-97 Promote Economic Stability Parking Lot Development	75,000
1997-98 Promote Economic Stability Parking Lot Development	30,000
Total	\$188,963

The East Main Street Assistance Program provides low interest loans, grants, and interest subsidies to a targeted area around East Main Street in the Center City Core. City Council approved the program guidelines and appropriated approximately \$463,000 in December 2003. Under the existing appropriation, it is likely that only 2 - 3 projects could be undertaken. The additional appropriation will allow a total of 4 - 6 projects to be undertaken.

The reprogrammed dollars will be utilized for a variety of pre-development activities associated with the West Main Street Revitalization Project. These activities include, but are not limited to: urban renewal plans, condition analysis, environmental assessment forms, engineering studies and other associated feasibility reports.

A public hearing on these amendments is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 196

AMENDING THE 1995-96, 1996-97, 1997-98 AND 2001-02 COMMUNITY DEVELOPMENT PROGRAMS BY TRANSFERRING FUNDS WITHIN THE PROMOTING ECONOMIC STABILITY ALLOCATIONS, AMENDING ORDINANCES, AUTHORIZING AGREEMENTS AND APPROPRIATING FUNDS

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 1995-96, 1996-97, 1997-98 and 2001-02 Community Development Program Plans are hereby amended within the Promoting Economic Stability Allocations (with Program years noted) by transferring the sum of \$150,000 from the Entertainment District Account (1996-97) and \$100,000 from the Center City Special Projects Account (2001-02) to accounts for the East Main Street Assistance Program. The sum of \$75,000 shall be transferred from the Genesee Street Corridor Account (1996-97) and \$40,000 from the Lake/Monroe/Genesee Street Improvements Account (1996-97) to an account for the West Main Street Revitalization Program. The sum of \$5,500 shall be transferred from the Commercial Enhancement District Account (1995-96), \$63,000 from the Parking Lot Development Account (1995-96), \$15,463 from the Commercial Enhancement District Account (1996-97), \$75,000 from the Parking Lot Development Account (1996-97), and \$30,000 from the Parking Lot Development Account (1997-98) to 108 Loan Reserve Accounts. Ordinances appropriating such funds are hereby reduced in the amounts necessary to provide for these transfers.

Section 2. There is hereby appropriated from the Promoting Economic Stability Allocation of the 1996-97 Community Development Program the sum of \$150,000, and there is hereby appropriated from the Promoting Economic Stability Allocation of the 2001-02 Community Development Program the sum of \$100,000, or so much thereof as may be necessary, to fund the East Main Street Assistance Program.

Section 3. There is hereby appropriated from the Promoting Economic Stability Allocation of the 1996-97 Community Development Program the sum of \$115,000, or so much thereof as may be necessary, to fund the West Main Street Revitalization Program.

Section 4. There is hereby appropriated from the Promoting Economic Stability Allocation of the 1995-96 Community Development Program the sum of \$68,500, and there is hereby appropriated from the Promoting Economic Stability Allocation of the 1996-97 Community Development Program the sum of \$90,463, and there is hereby appropriated from the Promoting Economic Stability Allocation of the 1997-98 Community Development Program the sum of \$30,000, or so much thereof as may be necessary, to fund the 108 Loan Reserve Program.

Section 5. The Mayor is hereby authorized to enter into such additional agreements as may be necessary to implement these programs.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Item held.

By Councilmember Mains
June 22, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 200 - Authorizing Agreements And Appropriating Funds For Human Services Projects

Int. No. 202 - Appropriating Funds And Authorizing An Agreement For The Biz Kid\$ Program, As Amended

Int. No. 203 - Authorizing Agreements Relating To The Rochester After School Academy Program

The following entitled legislation is being held in committee:

Int. No. 201 - Authorizing Agreements Relating To The 2004 Good Grades Pay Program

Respectfully submitted,
William F. Pritchard
Gladys Santiago
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-202
Re: Human Services Projects

R2010: Campaign 2 - Educational Excellence
Campaign 3 - Health, Safety and
Responsibility

Transmitted herewith for your approval is legislation to authorize agreements with the following organizations for Human Services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Rochester Fatherhood Resource Initiative, Inc.	
Rochester Fatherhood Resource Initiative	\$25,000
YMCA of Greater Rochester	
Riedman Summer Science and Technology Camp	30,000

These projects are considered Projects with Matching Funds and are eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June, 1981. The proposed agreement will be the third year of CDBG funding for the Rochester Fatherhood Resource Initiative, and the fifth year for Riedman Summer Science and Technology Camp. The most recent agreements for these services were approved by City Council on June 17, 2003 and May 13, 2003, respectively.

The cost of these agreements will be financed from the 2004-05 Community Development Block Grant (General Community Needs Allocation).

Project descriptions and budgets are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-83

Ordinance No. 2004-202
(Int. No. 200)

Authorizing Agreements And Appropriating Funds For Human Services Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for human services projects in amounts not to exceed the following:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Rochester Fatherhood Resource Initiative, Inc.	
Rochester Fatherhood Resource Initiative (RFRI)	\$25,000
YMCA of Greater Rochester Riedman Summer Science and Technology Camp	30,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$55,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-203
Re: Biz Kid\$ I and II

R2010: Campaign 2 - Educational Excellence
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the continued operation of the Biz Kid\$ (I and II) program. This legislation will:

1. Appropriate a total of \$37,700 from the 2003-04 Community Development Block Grant (General Community Needs Allocation); and
2. Authorize an agreement with Coordinated Care Services, Inc. (CCSI) in the amount of \$29,750 to fund continued staffing of the program.

The Biz Kid\$ program is a youth entrepreneurial

program which teaches city youth basic business skills, encourages youth enterprise, and provides start-up grants for graduates. Since its inception in April 1999 over 325 youth ages 10-18 have completed the program.

The balance of the appropriation, \$7,950, will be used toward supplies for the program. An additional \$5,950 from the 2004-05 Budget of the Department of Parks, Recreation and Human Services brings the total BizKid\$ budget to \$43,650 for 2004-05.

The most recent agreement for Biz Kid\$ program was approved on July 22, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-203
(Int. No. 202, As Amended)

Appropriating Funds And Authorizing An Agreement For The Biz Kid\$ Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Program the sum of \$37,700, and there is further appropriated from the General Community Needs Allocation of the 2002-03 Community Program the sum of \$4,923, or so much thereof as may be necessary, for the continued operation of the Biz Kid\$ I and II Program, and \$5,950 shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Coordinated Care Services Inc. to continue staffing of the Biz Kid\$ I and II Program.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$[29,750] 34,673, and said amount, or so much thereof as may be necessary, shall be funded from the funds provided in Section 1.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-204
Re: New York State 21st Century
Community Learning Centers
Program - RASA 1

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation relating to the New York State 21st Century Community Learning Centers Program. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt of a grant in the amount of \$1,730,000 for the operation of the Rochester After School Academy Phase I (RASA-1) program, which includes \$42,195 in indirect costs;
2. Authorize agreements totaling \$1,341,394 with the following agencies that comprise RASA- 1 (listed with their school sites);

<u>Agency</u> <u>School Partner</u>	<u>2004-05</u>
Puerto Rican Youth Development Edison Tech	\$ 123,002
Boys and Girls Club of Rochester Benjamin Franklin	146,760
Society/Protection and Care of Children Frederick Douglas School	133,637
YMCA of Greater Rochester Charter School/Science &Tech. School #36	135,506 149,093
Baden Street Settlement School #9	134,173
North East Area Development School #33	132,049
City Bureau of Human Services Monroe Middle School	126,649
Coordinated Care Services, Inc. Year Round Service Provider	119,925
TBD Formerly Josh Lofton Academy	<u>140,600</u>
	<u>\$1,341,394</u>

3. \$346,411 of the grant has been included in the 2004-05 Budget of the Department of Parks and Recreation to be used for the following sites of RASA-I with DPRHS acting as lead agency:

School #28	\$105,049
School #39	87,082
Administration & Management	<u>154,280</u>
	<u>\$346,411</u>

In March 2003, the New York State Department of Education awarded a 21st Century Community Learning Centers Program grant to the City of Rochester for the Rochester After School Academy Phase I (RASA-1) program. RASA-1 is a comprehensive and strategic approach to after-school programming, designed to enhance and extend learning opportunities beyond the traditional school day. RASA-1 will operate 11 Academies (Community Learning Center sites) at Title I schools, and will serve 1,105 students and the 325 family members. This is the third year of a five year grant. The most recent agreement for these services was approved on May 13, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-204
(Int. No. 203)

Authorizing Agreements Relating To The Rochester After School Academy Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program

for the Rochester After School Academy Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Rochester After School Academy Program:

<u>Agency</u> <u>School/Agency Partner</u>	<u>Amount</u>
Puerto Rican Youth Development Edison Tech	\$ 123,002
Boys and Girls Club of Rochester Benjamin Franklin	146,760
Soc./Protection & Care of Children Frederick Douglas School	133,637
YMCA of Greater Rochester Charter School/Sci. &Tech. School 36	135,506 149,093
Baden Street Settlement School #9	134,173
North East Area Development School #33	132,049
City Bureau of Recreation School #28 School #39	105,049 87,082
City Bureau of Human Services Monroe Middle School Unidentified	126,649 140,600
Coordinated Care Services, Inc Year Round Service Provider	<u>119,925</u>
Total	<u>\$1,533,525</u>

Section 3. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$1,341,394, or so much thereof as may be necessary, to fund the agreements authorized herein, except that the City Bureau of Recreation Programs shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 201
Re: Good Grades Pay Program

R2010: Campaign 2 - Educational Excellence
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to the Good Grades Pay program. This legislation will:

1. Appropriate funds from the following sources to finance the program:
 - a. \$357,506 from the 2004-05 Budget of the Department of Parks, Recreation and Human Services;
 - b. \$20,208 from the 2003-04 Budget of the Department of Parks, Recreation and Human Services;

c. \$52,037 from the 2003-04 Community Development Block Grant (Job Creation Youth Development Allocation).

2. Authorize any necessary agreements to implement the program.

The total number of youth to be served through Good Grades Pay 2004 is 326 for a total cost of \$429,751.

The Good Grades Pay program provides City middle school and high schools students between the ages of 14-21 with a summer work experience or a vocational exploration opportunity. The GGP requires at least a 2.0 GPA for the marking period, a 90% minimum attendance rate, and no long term school suspensions for the current school year.

The GGP vocational exploration/educational programs for 14 and 15 year olds are designed to provide participants with information and experience in specific career clusters highlighting the educational requirements and upward mobility of those areas.

In January 2004, the Good Grades Pay Request for Proposal was released and 15 agencies responded. The programs listed below are recommended for funding based on the description of proposed services, past performance, and the amount of available funding.

The following nine programs will serve 244 fourteen- and fifteen-year-olds at a cost of \$314,300.

Agency	Project Description	Number Enrolled	Cost Per Enrollee	Amount Recommended
Action for a Better Community	Career exploration in areas of business and helping professions	34	\$1,333	\$45,325
American Red Cross	Employability skills training and work experience focusing on careers in human services	40	1,068	42,725
Baden	Continuation of summer funding for an engineer prep program that is funded during the school year by the Dept. of Transportation	25	1,328	33,200
Catholic Family Center	Teen Biz program designed to teach entrepreneurship knowledge, skills, and attitudes, enabling student to start their own business	25	1,404	35,100
Community Place	Non-traditional career exploration to young women residing in the NE Quadrant of the City	35	1,280	44,800
Ibero American Action League	Career exploration in the health & fitness area	30	1,255	37,650
MCC-Damon				

Work experience in science and technology careers; includes workshops in Math and English
25 1,340 33,500

PRYD
Business and entrepreneurial skills training; includes mentorships from the business community
25 1,400 35,000

Rochester City
Expose youth to careers in legal system - internships in law and government offices
5 1,400 7,000

In addition to the above vocational exploration programs, the following components are also part of the Good Grades Pay program:

Community Conservation Corps (CCC) will enroll 30 youth, and Teens on Patrol (TOPS) will enroll 18 youth at minimum wage to work in city recreation centers and/or with police-sponsored programs and sites. The program duration is 8 and 7 weeks respectively. Funds for this component is are included in the proposed 2004-2005 budget.

Good Grades Pay Plus (GGP+) will provide work experience for 5 high school youth who are 16 years of age or older and exceed the GGP criteria by having at least a 3.0 GPA for the marking period and 95% or better school attendance. These youth will be paid \$6.00/hour in an internship-like experience.

As in previous years, the Rochester City School District will provide payroll processing services and paycheck distribution for the CCC, TOPS, GGP+, and Jr. Recreation Leadership programs. The agreement for \$96,614 is for youth wages and fringe benefits, plus administrative costs.

Additionally, \$18,837 will be used to fund Monroe Community College's National Youth Sports Program to employ 10 Camp Counselor Assistant positions. This program enables 360 city youth between the ages of 10 and 16 to participate in organized athletic instruction and supervised activities. Of the \$18,837, \$8,837 will be used to hire the 10 GGP youth, and \$10,000 will be used to provide transportation for all youth participating in the program.

The most recent agreement for these services was approved by Council on May 13, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 201

AUTHORIZING AGREEMENTS RELATING TO THE 2004 GOOD GRADES PAY PROGRAM

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following, or the following amounts are allocated, for the operation of projects and/or administration of projects for the 2004 Good Grades Pay Program:

Organization	Total
Action for a Better Community	\$45,325
American Red Cross	42,725
Baden Street Settlement	33,200
Catholic Family Center	35,100
Community Place	44,800
Ibero American Action League	37,650
MCC-Damon	33,500
PRYD	35,000
Rochester City School District	96,614
MCC - National Youth Sports	18,837
City of Rochester	7,000

Section 2. The agreements and allocations shall obligate the City to pay an amount not to exceed \$429,751, and of said amount, or so much thereof as may be necessary, \$357,506 shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services, \$20,208 shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services, and \$52,037 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2003-04 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Item held.

By Councilmember Stevenson
June 22, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 204 - Authorizing An Agreement For Baseball Field Improvements And Amending The 2003-04 Budget

Int. No. 205 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of The "Greta Program"

Int. No. 206 - Authorizing An Agreement For An Automated Vehicle Locator System Requirement Study

Int. No. 207 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

Int. No. 208 - Establishing Maximum Compensation For An Amendatory Agreement For Supplemental Environmental Investigation - 1200 East Main Street

Int. No. 209 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$85,000 Bonds Of Said City To Finance The Additional Cost Of Environmental Clean-Up At 1200 East Main Street

Int. No. 210 - Authorizing A New York State Brownfields Opportunity Areas Grant Program Application And Agreement

Int. No. 211 - Authorizing Applications And Agreements For The Urban Forestry Management Plan And Amending The 2003-04 Budget, As Amended

Int. No. 212 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$360,000 Bonds Of Said City To Finance The Cost Of Implementing Repairs To The City Hall "A" Building

Int. No. 213 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Adult Softball Program And Amending The 2003-04 Budget

Int. No. 214 - Authorizing An Agreement For The Operation Of The Midtown Parking Garage

Int. No. 243 - Authorizing Agreements And Appropriating Funds For The Lexington Avenue Improvement Project

Int. No. 244 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$754,000 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The Lexington Avenue Improvement Project

Int. No. 245 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$582,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Lexington Avenue Improvement Project

Int. No. 246 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$71,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Lexington Avenue Improvement Project

Int. No. 252 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For The Columbia Avenue Improvement Project

Int. No. 253 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$891,000 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The Columbia Avenue Improvement Project

Int. No. 254 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$60,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Columbia Avenue Improvement Project

Int. No. 255 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$413,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Columbia Avenue Improvement Project

The Parks, Public Works & the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 215 - Approving Decreases In The Pavement Width Of South Avenue As A Part Of The South Avenue Enhancement Project (Byron Street-Caroline Street)

Int. No. 223 - Accepting Responsibility For Improvements As A Part Of The West Ridge Road

Improvement Projects

Int. No. 224 - Dedication And Abandonment Of Parcels As Part Of The West Ridge Road Public Improvement Projects

Int. No. 247 - Approving The Dedication Of Portions Of 900 West Broad Street And 242-248 Jay Street To Street Purposes As A Part Of The West Broad Street Public Improvement Project

Int. No. 248 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,715,000 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The West Broad Street Public Improvement Project

Int. No. 249 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The West Broad Street Public Improvement Project

Int. No. 250 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$522,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The West Broad Street Public Improvement Project

Int. No. 251 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For The West Broad Street Public Improvement Project

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Adam C. McFadden
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-205
Re: Acceptance of Grant from Briggs and Stratton

- R2010: Campaign 1 - Involved Citizens
- Campaign 3 - Health, Safety and Responsibility
- Campaign 4 - Environmental Stewardship
- Campaign 7 - Quality Service
- Campaign 8 - Tourism Destination Attraction

Transmitted herewith for your approval is legislation authorizing the acceptance of a \$5,000 grant from Briggs and Stratton and amending the 2003-04 Budget of the Department of Parks, Recreation and Human Development to reflect receipt of the grant.

The grant was received through a national contest entitled "Diamonds in the Rough" won by Luis Arroyo, a participant of the recreation program at the Campbell Street Recreation Center. The grant will be used for improvements to the baseball field at Campbell Street Recreation Center.

The improvements will be designed by DES Engineering staff. The work will start as soon as possible in

the summer of 2004 and should take approximately 60 days to complete.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-205
(Int. No. 204)

Authorizing An Agreement For Baseball Field Improvements And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Briggs and Stratton for funding for improvements to the baseball field at the Campbell Street Recreation Center.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$5,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-206
Re: Agreement - Andrea Whitcomb,
"Greta Program"

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is an agreement with Andrea Whitcomb, 159 Wedgewood Drive for the continuation of the "Greta Program". The maximum cost of this agreement will be \$30,000, which will be financed from the 2004-05 Budget of the Department of Environmental Services.

The "Greta Program" is an educational effort designed to increase the awareness of youth to the problems of litter and graffiti and the benefits of refuse recycling. Its principal components are performances, workshops, school classroom visits and presentations at city recreation centers and community events.

Ms. Whitcomb, as Greta, has presented the program since 1989. The most recent agreement with Ms. Whitcomb was authorized by the City Council on June 17, 2003.

During 2003-04, the program has been presented to over 4,200 youths through 300 performances at city schools, libraries, recreation centers, and neighborhood events. In addition, over 2,000 adults and children have seen Greta at special events at High Falls, the Museum Science Fair, and the Lilac Parade.

Under the proposed agreement during 2004-05, Ms.

Whitcomb will provide 300 performances and work-shops. The cost per performance will remain at \$100 and the total cost of the agreement stays at \$30,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-206
(Int. No. 205)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of The "Greta Program"

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Andrea Whitcomb for the continuation of the "Greta Program". Said amount shall be funded from the 2004-05 budget of the Department of Environmental Services, contingent upon approval of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-207
Re: DES Automated Vehicle Locator
(AVL) System Requirement Study

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will:

1. Authorize an agreement with Applied GIS, Inc., in Schenectady, NY to conduct a DES AVL System Requirement Study at a maximum cost of \$25,000; and
2. Appropriate \$25,000 from anticipated reimbursements from the Federal Highway Administration as administered through the Genesee Transportation Council for said agreement.

Automated Vehicle Location (AVL) technology uses satellites to determine the location, speed, and direction of vehicles. This information can be tracked and monitored via computer. AVL equipment can also gather other types of data, such as emergency alarm, plow up/down, boom arm in operation, etc., and has potential use as a tool to improve employee safety, supervision, customer service, and productivity. The proposed study will identify possible uses for the technology in the Department of Environmental Services and define operational requirements. The study will also make recommendations on the type of communication equipment and software. Lastly, the study will develop an implementation strategy and will identify possible funding sources for such a system.

A request for proposals was issued in the NYS Contract Reporter. Two proposals were received. Applied GIS is recommended based upon their experience in performing similar studies for other municipalities. The study is expected to begin this summer and be completed by the end of December.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-207
(Int. No. 206)

Authorizing An Agreement For An Automated Vehicle Locator System Requirement Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Applied GIS, Inc. to conduct an Automated Vehicle Locator System Requirement Study for the Department of Environmental Services.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from Federal Highway Administration funds to be received from the Genesee Transportation Council for this purpose.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-208
Re: Agreement - Young Explosives,
Fireworks Display

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing an agreement with Young Explosives, 4 Butternut Drive, for provision of an aerial fireworks display on July 4, Independence Day. The maximum cost of this agreement will be \$25,000, \$7,000 of which will be financed from the 2004-05 Budget of the Department of Parks, Recreation and Human Services, and \$18,000 of which will be funded from the Rochester Events Network trust fund.

The display will be similar to those that have been provided by Young Explosives annually since 1977, with the exception of a \$50,000 display on July 4, 2002. The 2002 display was a one-time patriotic display in response to the events of September 11, 2001. This year's display will extend for about 20 minutes.

The fireworks will be launched over the Genesee River from the entrance ramp to route I-490 eastbound. Young will be responsible for obtaining the necessary permits from the Fire Department and for acquiring \$1.0 million of liability insurance.

Young Explosives does not employ any persons below the age of 18. Further, in order to be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed. Young Explosives has assured us that their domestic purchases come solely from licensed vendors.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2004-208
(Int. No. 207)

Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for a Fourth of July aerial fireworks display. Of said amount, \$7,000 shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services, and \$18,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-209 And
Ordinance No. 2004-210
Re: Amendatory Agreement - Bergmann Associates, Supplemental Environmental Investigation - 1200 East Main Street

R2010: Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is legislation related to the environmental investigation at the former gasoline retail station located at 1200 East Main Street. This legislation will:

1. Authorize an amendatory agreement with Bergmann Associates for a supplemental environmental investigation at 1200 East Main Street for a maximum cost of \$85,000; and
2. Authorize the issuance of bonds totaling \$85,000 and appropriate the proceeds thereof to finance the costs of the agreement.

The former retail gasoline station located at 1200 East Main Street was acquired by the City through tax foreclosure in February 1998. The City received a NYS 1996 Clean Air/Clean Water Bond Act grant to investigate subsurface conditions at the site. In June, 2000 the initial site investigation was performed, which showed extensive areas of soil and groundwater contamination from leaking underground storage tanks. As a result, a subsequent supplemental site investigation was performed by Bergmann in June, 2003.

Results of the supplemental investigation indicated extensive areas of soil and groundwater contamination from leaking underground storage tanks and migrating contamination impacts to the adjacent property at 1214 East Main Street. To further characterize the extent of off-site contamination and to mitigate the possible impact of contamination in the basement of the adjacent property, additional off-site investigation has been required by the New York State Department of Environmental Conservation. Specifically, this amendment will provide for the following services:

1. Design and installation of a simple radon-type basement ventilation system for 1214 East Main Street.
2. Installation of two additional groundwater monitoring wells north of the Site. These wells are to be installed in backyards of the residences along the south side of Hayward Avenue.
3. Collection and laboratory analysis on samples from the 12 existing and the additional monitoring wells.
4. Updated location and top of casing survey to include the additional wells.
5. Preparation of revised site, water table surface and groundwater flow maps.
6. Collection and laboratory analysis on surface soil samples from properties north of the Site.
7. Contingency costs for three additional monitoring wells and four surface soil samples and analysis.
8. Contingency costs for additional sub slab and indoor air sample collection and analysis.

All work on this project is performed under the oversight of the New York State Department of Environmental Conservation. The City has been approved for a 75% reimbursement grant for eligible investigation expenses through the 1996 Bond Act for 1200 East Main St. In addition to reimbursement of project costs, the Bond Act provides indemnification by the State of New York of the City and all successor owners of the sites. If this amendatory agreement is approved, the total cost of the Bergmann Associates agreement will increase to \$311,500. An increase to the City's existing Bond Act grant contract will be processed to allow reimbursement of the services included in this proposed amendment. Once the grant increase is executed, the total anticipated grant reimbursement for this project is expected to be approximately \$233,625.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-209
(Int. No. 208)

Establishing Maximum Compensation For An Amendatory Agreement For Supplemental Environmental Investigation - 1200 East Main St.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$85,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory agreement between the City and Bergmann Associates for a supplemental environmental investigation at 1200 East Main Street. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-210

(Int. No. 209)

**Bond Ordinance Of The City Of Rochester,
New York Authorizing The Issuance Of \$85,000
Bonds Of Said City To Finance The Additional
Cost Of Environmental Clean-Up At 1200 East
Main Street**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance additional investigation of hazardous substances and environmental remediation planning and interim clean-up of the City-owned parcel at 1200 East Main Street in the City of Rochester, New York (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$311,750. The plan of financing includes the issuance of \$85,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$151,187 previously appropriated from New York State funds in Ordinances No. 2001-98 and 99-31 and \$75,563 in current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$85,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$85,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Section 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the law in "The Daily Record", a newspaper published in Rochester, New York, have a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-211
Re: New York State Brownfields
Opportunity Areas Grant Program

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing the Mayor to submit an application and enter into an agreement under the new Brownfields Opportunity Area (BOA) Program administered by the New York State Departments of State and Environmental Conservation. The agreement will provide grant funds for brownfield identification and planning activities in a portion of the City's Sector 3 neighborhoods (see attached map).

Brownfields are defined as underutilized or abandoned properties that have possible environmental problems.

The BOA program is designed to provide funding to assist municipalities and community-based organizations with the costs of inventorying brownfields, completing area-wide planning approaches to brownfields redevelopment, and investigating key brownfield sites. Grants provide funding for up to 90 percent of eligible project costs. A 10 percent local match is required which will be funded through a combination of in-kind services and existing non-City funding sources.

The City will work closely with Sector 3 and key neighborhood groups. The BOA program has three phases. The City will enter the program at Step 1: Pre-Nomination Study phase. The NYSDEC and NYSDOS will use the Pre-Nomination Study findings to determine if additional grant funding for the second step, a Nomination Study, should be funded. If a subsequent Nomination Study is approved by the State, a Brownfields Opportunity Area will be established. New York State is required to show preference to established BOA's when funding future projects. Site investigation grant funding is available once a nomination study is complete.

The Lyell Avenue corridor of Sector 3 was selected because of its prominent concentration of abandoned industrial facilities and the active involvement of Sector 3 in the brownfields program.

If the City's application is approved, funds will be provided for assembly and development of brownfield data and planning information to better understand the existing conditions and opportunities in the proposed Brownfields Opportunity Area. If a grant is awarded and a contract is executed, state financial assistance may be provided to include an advance payment of up to 25 percent of the contract amount.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-84

Ordinance No. 2004-211
(Int. No. 210)

Authorizing A New York State Brownfields Opportunity Areas Grant Program Application And Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of State for a grant under the Brownfields Opportunity Areas Program for brownfield identification and planning in Sector 3 neighborhoods.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-212
Re: Acceptance of NYS Department
of Environmental Conservation

Grants

- R2010: Campaign 4 - Environmental Stewardship
- Campaign 7 - Quality Service
- Campaign 8 - Tourism Destination Attraction

Transmitted herewith for your approval is legislation:

1. Authorizing receipt of two grants totaling \$49,975 from the New York State Department of Environmental Conservation's Urban and Community Forestry Program in order to implement an Urban Forestry Management Plan; and
2. Amending the 2003-04 Budget of the Department of Parks, Recreation and Human Services/Forestry to reflect this grant.

The grant will be used to plant trees on city streets. The project includes the purchase and planting of trees and two years of young tree care, including watering. The grant requires a match of \$49,975 which will be provided through services provided by city staff, vehicle and equipment.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-212
(Int. No. 211, As Amended)

Authorizing Applications And Agreements For The Urban Forestry Management Plan And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the New York State Department of Environmental Conservation for funding under the Urban and Community Forest Program for the Urban Forestry Management Plan.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the [Department of Parks, Recreation and Human Services] Cash Capital Allocation by the sum of \$50,000, which amount is hereby appropriated from funds to be received under the grant agreements authorized herein.

Section 3. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-213
Re: Rochester City Hall Building "A"

Window Repair

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the City Hall Building "A" Window Repair Project. This legislation will authorize the issuance of bonds totaling \$360,000, and the appropriation of the proceeds thereof to finance the cost of the project.

The City Hall Window Repair Project was designed by Bergmann Associates, authorized by Council Ordinance on September 23, 2003. The construction involves repair and repainting of 240 windows in the older portion (Building A) of City Hall.

Bids for construction of the project were received on May 3, 2004. The work will be performed by Didis Painting at a cost of \$301,530 which is \$5,530 over the engineer's estimate. An additional 20% is being allocated for contingency. The funding for this project is identified in the 2003-04 Capital Improvement Program. The contract includes Apprenticeship Training Program requirements and Public Works Incentive Program provisions as authorized by City Council on October 21, 2003.

Construction is scheduled to begin in the summer of 2004, and be completed in the summer of 2005. The schedule includes anticipated time for a winter shut-down.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-213
(Int. No. 212)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$360,000 Bonds Of Said City To Finance The Cost Of Implementing Repairs To The City Hall "A" Building

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of implementing repairs to the City Hall "A" Building, including repairs to and repainting of the windows (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$360,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$360,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$360,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized,

which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$360,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper

of said City for such publication.

Passed by the following vote:
Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-214
Re: Amendment to Agreement - Brooklyn Sports Adult Softball Program

R2010: Campaign 4 - Quality Service

Transmitted herewith for your approval is legislation related to the agreement with Brooklyn Sports Management to manage the City's adult softball program. The legislation will amend Ordinance #2004- 11 as follows:

1. Increase the total compensation payable to Brooklyn Sports Management by \$7,300 to \$146,800; and
2. Amend the 2003-04 Budget of the Department of Parks, Recreation and Human Services to reflect the increased expense and revenue.

The number of teams registered has exceeded the maximum allowable in the original ordinance. This amendment will allow for an additional 15 teams to be added to the program (255 versus 240). The additional fees represent the \$275 per team payment to the contractor (\$4,125) plus additional reimbursable expenses.

Revenues from team registration fees will finance all costs of this amendment.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-214
(Int. No. 213)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Adult Softball Program And Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Brooklyn Sports Management for the continued operation of the adult recreational softball program. Said amount shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$7,300, which amount is hereby appropriated from increased revenues from the adult recreational softball program.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-215
Re: Midtown Garage Operating Agreement

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Midtown Rochester Parking, LLC for continued operation of the Midtown Parking Garage.

The Midtown Parking Garage provides parking spaces for 1,843 Center City office workers and visitors.

Midtown Rochester Parking LLC (MRP), a subsidiary of Home Leasing LLC, operator of the Midtown Plaza complex, has been operating the garage under an agreement with the City since July 1, 2002. The agreement expires on June 30, 2004. The following terms of a new agreement have been accepted by the City and MRP:

Term: 2 years (July 1, 2004 - June 30, 2006) with one 1-year renewal option upon mutual consent

Rent: \$13,334 monthly base rent plus 87.50% of gross revenue above \$1,000,000 annually after payment of New York State taxes and credit card transaction fees

Utilities: City pays 100% of utility costs including gas, electric, steam, water

Pure Waters Capital Charges: Operator pays 100%

Downtown Guides and Enhancement District: City pays 100%

The City chose to negotiate for operation of this garage in 2002 after soliciting for proposals and receiving no responses, presumably because of the low occupancy of both the retail and office spaces in the plaza. MRP has managed the garage in an efficient manner during the last two years increasing the revenue return to the City from \$275,000 in 2002-03 to a projected \$350,000 in 2003-04. Given the excellent performance of MRP during the current contract, and the uncertainty associated with the future development at Midtown Plaza, it is recommended that the new negotiated agreement be awarded to MRP.

It is expected that the total annual revenue to the City under the new agreement will be in the \$350,000 range or above. The increase in revenues experienced this year can be largely attributed to improved revenue control equipment which has been installed in the garage. Additional increases in revenue may be achieved in 2004-05 by increasing the number of monthly parking passes sold.

The agreement will contain other terms and conditions deemed necessary to ensure the continued quality operation of this garage.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-215
(Int. No. 214)

Authorizing An Agreement For The Operation Of The Midtown Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Midtown Rochester Parking, LLC for the continued operation of the Midtown Parking Garage for a term of two years, with a one year renewal option. The agreement shall obligate Midtown Rochester Parking, LLC to pay to the City \$13,334 monthly, plus 87.5% of gross revenues in excess of \$1,000,000 annually after deduction of New York State sales taxes and credit card transaction fees. Midtown Rochester Parking, LLC shall be responsible for paying Pure Waters capital charges/assessments, for providing all personnel required for operation of the garage, including cashiers, security guards and maintenance staff, and materials and supplies, contractual services and insurance. The City shall be responsible for all utility costs and Downtown Guides and Enhancement District charges.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-216, 2004-217,
2004-218, And 2004-219
Re: Lexington Avenue Improvement
Project (Mt. Read Boulevard to
Dewey Avenue)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Lexington Avenue Public Improvement Project from Mt. Read Boulevard to Dewey Avenue. This legislation will:

1. Appropriate \$3,728,300 from anticipated reimbursements from the Federal Highway Administration to finance the federal share of the project.
2. Authorize the issuance of bonds totaling \$754,000 and appropriate the proceeds thereof to finance the non-federal share of the street improvements.
3. Authorize the issuance of bonds totaling \$582,000 and appropriate the proceeds thereof to finance the non-federal share of the water improvements.
4. Authorize the issuance of bonds totaling \$71,000 and appropriate the proceeds thereof to finance the non-federal share of sewer improvements.
5. Authorize a professional service agreement with Stantec Consulting (formerly The Sear Brown Group), 85 Metro Park, for resident project representation services at a maximum cost of \$550,000.

6. Authorize an agreement with Rochester City School District (RCSD) at a maximum cost of \$26,000 and appropriate an anticipated reimbursement of these funds to finance the cost of RCSD improvements.

7. Authorize an intermunicipal agreement with Monroe County Water Authority (MCWA) at a maximum cost of \$6,600 and appropriate an anticipated reimbursement of these funds to finance the cost of MCWA improvements.

Design of the Lexington Avenue Public Improvement Project by the Sear Brown Group was authorized by Council on September 17, 2002. The project features include rehabilitation, reconstruction and reconfiguration of the roadway, intersection improvements, installation of new drainage, curbs, sidewalks, street lighting, a water distribution system, signage, traffic signals, pavement markings, and streetscape improvements.

The City is administering the project on behalf of the New York State Department of Transportation (NYS-DOT) under an agreement authorized by City Council on November 20, 2001. City Council authorized pavement width modification for Lexington Avenue on August 26, 2003.

Bids for construction were received on May 7, 2004. The work will be performed by Sealand Contracting Corporation at a cost of \$4,285,325 which is 2% less than the engineer's estimate. An additional \$406,575 (9%) will be allocated for contingencies which include street lighting costs and other items not included in the contract.

Source	Construction		RPR	Total
		Contingency		
FHWA	\$3,087,702		\$396,300	\$3,728,300
Street Bond	581,773	89,027	83,200	754,000
Water Bond	460,618	62,262	59,120	582,000
County Traffic	62,036	4,014	7,950	74,000
Sewer Bond	66,648	4,352	0	71,000
MCWA	5,362	548	690	6,600
RCSD	21,187		2,740	
		2,073		26,000
Total	\$4,285,326	\$406,574	\$550,000	\$5,241,900

The Lexington Avenue Project is a federal/state aid project which is being administered by the City and is included in the 2003-04 Capital Improvement Program. The City is eligible to receive up to \$699,000 in reimbursements toward the local share of the project from New York State pending State legislative approval of the Marcheselli Aid program. Authorization of general debt to finance the Marcheselli Aid share of the project is being requested at this time. Upon approval of the pending state legislation, reimburse-

ments will be requested from New York State to offset the debt used to finance these costs. In the unlikely event that the State budget does not allow for reimbursement, the administration is prepared to submit a plan to ensure that the debt limit for 2003-04 is maintained.

The local share of the traffic related improvements will be financed by previously appropriated anticipated reimbursements from Monroe County.

Resident project representation services will be performed by Stantec Consulting based on the firm's familiarity with the project and its ability to perform the work.

It is anticipated that construction will begin in the summer of 2004, and be substantially completed in the summer 2005.

Public meetings were held on June 18, 2003, September 24, 2003 and on March 24, 2004. Minutes of the first two meetings were previously transmitted to Council; minutes of the most recent meeting are attached. An additional public informational meeting will be held prior to the start of construction.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-85

Ordinance No. 2004-216
(Int. No. 243)

Authorizing Agreements And Appropriating Funds For The Lexington Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$550,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting for resident project representation services for the Lexington Avenue Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$396,300 shall be funded from the appropriation made in Section 2, \$83,200 shall be funded from a bond ordinance for street purposes, \$59,120 shall be funded from a bond ordinance for water purposes, \$7,950 shall be funded from reimbursements from the County of Monroe, \$2,740 shall be funded from the appropriation made in Section 3 and \$690 shall be funded from the appropriation made in Section 4.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$3,728,300, or so much thereof as may be necessary, to fund the Lexington Avenue Improvement Project.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for funding for a recessed parking area adjacent to School 34 as a part of the Lexington Avenue Improvement Project. There is hereby appropriated from the funds to be received from the Rochester City School District the sum of \$26,000, or so much thereof as may be necessary, to fund the Lexington Avenue Improvement Project.

Section 4. The Mayor is hereby authorized to enter into an agreement with the Monroe County Water Authority for funding for a water main relocation as a part of the Lexington Avenue Improvement Project. There is hereby appropriated from the funds to be received from the Monroe County Water Authority the sum of \$6,600, or so much thereof as may be necessary, to fund the Lexington Avenue Improvement Project.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-217
(Int. No. 244)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$754,000 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The Lexington Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction of streets as a part of the Lexington Avenue Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,469,000. The plan of financing includes the issuance of \$754,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$2,715,000 from Federal Highway Administration reimbursements appropriated at this meeting, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$754,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain

the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-218
(Int. No. 245)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$582,000 Bonds

Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Lexington Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Lexington Avenue Improvement Project in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,022,000. The plan of financing includes the issuance of \$582,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$440,000 from Federal Highway Administration reimbursements appropriated at this meeting, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$582,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$582,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein

authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-219
(Int. No. 246)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$71,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Lexington Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Lexington Avenue Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$351,000. The plan of financing includes the issuance of \$71,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$280,000 from Federal Highway Administration reimbursements appropriated at this meeting, to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to

pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$71,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$71,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and

an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-220, 2004-221,
2004-222, And 2004-223

Re: Columbia Avenue Improvement
Project

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation relating to the Columbia Avenue Improvement Project. This legislation will:

1. Authorize the issuance of bonds in the amount of \$891,000 and appropriate the proceeds thereof to finance the cost of the street improvements;
2. Authorize the issuance of bonds in the amount of \$413,000 and appropriate the proceeds thereof to finance the cost of the water improvements;
3. Authorize the issuance of bonds in the amount of \$60,000 and appropriate the proceeds thereof to finance the cost of the sewer improvements; and
4. Authorize an agreement with Stantec Consulting (formerly The Sear Brown Group), 85 Metro Park, for resident project representation services at a maximum amount of \$118,000.

The project which was designed by City staff includes pavement reconstruction; new concrete sidewalks, driveway aprons, granite curbing, water services, hydrants and catch basins; street lighting adjustments; removal of the traffic signal at Reynolds Street; a new signal at Jefferson Avenue; and tree plantings. Pavement width changes were authorized by City Council on February 24, 2004.

Bids for construction were received on May 27, 2004. The work will be performed by DiFiore Construction, Inc., at a cost of \$1,138,811 which is 16.8% more than the engineer's estimate. An additional \$169,189 (14.9%) will be allocated for contingencies which include street lighting costs and other items not included in the contract. This contract includes Apprenticeship Training Program requirements and Public Works Incentive Program provisions as authorized by City Council on October 21, 2003.

The cost of the categories of work for the project based upon the bid amount are as follows:

Category	Construction		Contingency	Total
	RPR			
Street	\$ 691,010		\$123,290	
Water	342,903	\$76,700	34,697	\$ 891,000
Sewer	53,919	35,400	6,081	413,000
Traffic	50,979	0		60,000
		5,900	5,121	62,000
Total	\$1,138,811	\$118,000	\$169,189	\$1,426,000

The cost of the street, water and sewer improvements will be financed from proceeds of the proposed bonds as provided for in the 2002-03, 2003-04 and 2004-05 Capital Improvement Programs. The traffic improvements will be financed from anticipated reimbursements from Monroe County.

Stantec Consulting was chosen for resident project representation services due to their understanding of the project and qualifications.

Construction of the Columbia Avenue Improvements is scheduled to begin in the summer of 2004 and be substantially completed by the spring of 2005.

Public informational meetings were held on October 7, 2003 and January 21, 2004. The minutes to these meetings have previously been forwarded. An additional public meeting will be held prior to the start of construction.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-86

Ordinance No. 2004-220
(Int. No. 252)

Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For The Columbia Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$118,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting for resident project representation services for the Columbia Avenue Improvement project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$76,700 shall be funded from a bond ordinance adopted for street purposes, \$35,400 shall be funded from a bond ordinance adopted for water purposes, and \$5,900 shall be funded from reimbursements from the County of Monroe.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

Ordinance No. 2004-221
(Int. No. 253)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$891,000 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The Columbia Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction of streets as a part of the Columbia Avenue Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$891,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$891,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$891,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-222
(Int. No. 254)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$60,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Columbia Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Columbia Avenue Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and

the financing thereof, is \$60,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$60,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$60,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$60,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-223
(Int. No. 255)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$413,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Columbia Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Columbia Avenue Improvement Project in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$413,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$413,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$413,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$413,000. This Ordinance is a declaration of official intent

adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran,

Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-224
Re: South Avenue Enhancement Project
(Byron Street - Caroline Street)

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the South Avenue Enhancement Project. The legislation will authorize changes in pavement widths to accommodate curb "bump-outs" for the following intersections:

- 1. Caroline Street/South Avenue
- 2. Sanford Street/South Avenue
- 3. Gregory Street/South Avenue
- 4. Hickory Street/South Avenue
- 5. Averill Avenue/South Avenue
- 6. Hamilton Street/South Avenue
- 7. Alexander Street/South Avenue
- 8. Comfort Street/South Avenue

On March 23, 2004, Council authorized design of the project by Bergmann Associates. Design is underway and will be completed this summer. It is anticipated that the project construction will begin this fall and be completed in spring of 2005. Besides the proposed geometric changes, the project features include curbing bump-outs and sidewalk improvements as well as paved crosswalks at selected intersections on South Avenue between Byron and Caroline Streets. The intent of the project is to increase pedestrian safety as well as enhance the appearance of the area.

The pavement width changes were presented to the Traffic Control Board on June 1, 2004 and to the public on May 26.

The project is being financed from the Capital Project Multi-Modal Program funding from the New York State Department of Transportation.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-87

Ordinance No. 2004-224
(Int. No. 215)

Approving Decreases In The Pavement Width Of South Avenue As A Part Of The South Avenue Enhancement Project (Byron Street-Caroline Street)

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following decreases in the pavement width of South Avenue:

- 1. Caroline Street/South Avenue Intersection:
 - a. A decrease of 6 feet, from the existing 40 foot

width to a 34 foot width, beginning at a point 50 feet south of the center of Caroline Street to the bump out.

- b. A decrease of 8 feet, from the existing 48 foot width to a 40 foot width, beginning at a point 50 feet north of the center of Caroline Street to the bump out.

2. Sanford Street/South Avenue Intersection:

A decrease of 8 feet, from the existing 48 foot width to a 40 foot width, beginning at a point 50 feet north of the center of Sanford Street to the bump out.

3. Gregory Street/South Avenue Intersection:

A decrease of 8 feet, from the existing 48 foot width to a 40 foot width, beginning at a point 70 feet south of the center of Gregory Street to the bump out.

4. Hickory Street/South Avenue Intersection:

- a. A decrease of 8 feet, from the existing 48 foot width to a 40 foot width, beginning at a point 45 feet south of the center of Hickory Street to the bump out.

- b. A decrease of 8 feet, from the existing 48 foot width to a 40 foot width, beginning at a point 60 feet north of the center of Hickory Street to the bump out.

5. Averill Avenue/South Avenue Intersection:

- a. A decrease of 8 feet, from the existing 48 foot width to a 40 foot width, beginning at a point 50 feet south of the center of Averill Avenue to the bump out.

- b. A decrease of 8 feet, from the existing 48 foot width to a 40 foot width, beginning at a point 50 feet north of the center of Averill Avenue to the bump out.

6. Hamilton Street/South Avenue Intersection:

- a. A decrease of 16 feet, from the existing 48 foot width to a 32 foot width, beginning at a point 55 feet south of the center of Hamilton Street to the bump outs.

- b. A decrease of 16 feet, from the existing 48 foot width to a 32 foot width, beginning at a point 55 feet north of the center of Hamilton Street to the bump outs.

7. Alexander Street/South Avenue Intersection

- a. A decrease of 8 feet, from the existing 48 foot width to a 40 foot width, beginning at a point 50 feet south of the center of Alexander Street to the bump out.

- b. A decrease of 8 feet, from the existing 48 foot width to a 40 foot width, beginning at a point 50 feet north of the center of Alexander Street to the bump out.

8. Comfort Street/South Avenue Intersection

- a. A decrease of 16 feet, from the existing 48 foot width to a 32 foot width, beginning at a point 55 feet south of the center of Comfort

Street to the bump outs.

- b. A decrease of 16 feet, from the existing 48 foot width to a 32 foot width, beginning at a point 55 feet north of the center of Comfort Street to the bump outs.

Section 2. Such changes and additional changes as a part of the South Avenue Enhancement Project (Byron Street-Caroline Street) shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-225 And
Ordinance No. 2004-226
Re: West Ridge Road Public Improvement
Projects

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to two West Ridge Road Public Improvement projects; one from Hanford Landing Road to the Veteran's Memorial Bridge which is being administered by the City and the other from the West City Line to Hanford Landing Road which is being administered by New York State. Both projects are being financed by New York State Department of Transportation and the Federal Highway Administration. This legislation will:

1. Amend the Official Map to abandon right-of-way as follows:

- Pullman Avenue from West Ridge Road southwards for a distance of 60';
- Minder Street from West Ridge Road to Pullman Avenue;
- Lapham Street from Lake Avenue westwards for a distance of 240';
- Mayflower Street from West Ridge Road northwards for a distance of 130'; and
- Hanford Landing Road from West Ridge Road to the north end.

2. Amend the Official Map to dedicate and name the following proposed rights-of-way:

- Pullman Avenue from West Ridge Road southwards for a distance of 30 feet;
- Minder Street from West Ridge Road to Pullman Avenue;
- Lapham Street from Lapham Street to Redwood Road;
- Mayflower Street from Eastman Avenue westwards for a distance of 50'; and
- Eastman Avenue from West Ridge Road to Dewey Avenue.

3. Amend the Official Map to dedicate as right-of-

way the following:

- The a portion of the parcel at the southwest corner of Palm Street and West Ridge Road; and
 - A portion of two parcels; one at the southwest corner and the other at the southeast corners of Desmond Street and West Ridge Road.
4. Amend Ordinance No. 2003-206 related to the West Ridge Road (Hanford Landing to the West City Line) Project to include language regarding maintenance of sidewalk and landscape appurtenances; and
 5. Authorize agreements with New York State Department of Transportation related to maintenance of public improvements which will be installed as part of the West Ridge Road (Hanford Landing Road to the Veteran's Memorial Bridge) Project.

The West Ridge Road project, from Hanford Landing Road to the Veteran's Memorial Bridge, includes a significant realignment of West Ridge Road, beginning west of the Lake Avenue intersection to the Veteran's Memorial Bridge. The westbound and eastbound travel lanes of West Ridge Road between Lake Avenue and the Veteran's Memorial Bridge will be divided creating a parkway like landscaped median transition zone. The project provides for a new two-way frontage road in front of the houses to remain on the south side of West Ridge Road between Ridgeway Avenue and Maplewood Drive, and replacement of the existing pedestrian bridge over West Ridge Road near Maplewood Drive. As part of the project, it is necessary to amend the Official Map to provide for realignment of Pullman Avenue and Lapham Street; relocation of Minder Street and installation of ADA accessible sidewalk ramps at the corners of Palm Street and Desmond Street. The demolition component of this project was initiated in May and will be completed in July. Construction of the public improvements will be advertised this summer and it is anticipated that the project will be substantially completed in the summer of 2006.

The West Ridge Road Project, from the West City Line to Hanford Landing being undertaken by the State of New York includes reconstruction and rehabilitation of the pavement, realignment of the roadway; replacement of sidewalks and curbs; street lighting; sewer and water utilities; upgrades to traffic features; and extension of Eastman Avenue from Dewey Avenue to West Ridge Road. As part of this project it is necessary to amend the Official Map to provide for realignment of Mayflower Street, the extension of Eastman Avenue and the abandonment of a portion of Hanford Landing Road. This project is under construction and it is anticipated that it will be completed by the year end.

The Official Map Amendments, which provide for the street changes described above, were presented at a public hearing to the City Planning Commission on April 19, 2004. The motion was passed, with conditions, in favor of the proposed changes.

Ordinance No. 2003-206, adopted on June 19, 2003, authorized City maintenance of public improvements installed by the State as part of the West Ridge Road (West City Line to Hanford Landing Road) Project. The ordinance was to authorize City maintenance of street lighting facilities and of sidewalk and landscape appurtenances. The ordinance inadvertently omitted

the text related to maintenance of the sidewalk and landscape appurtenances. The proposed legislation will include this language.

As part of the West Ridge Road (Hanford Landing to the Veteran's Memorial Bridge) Project, it is proposed that the City accept responsibility for maintenance of public improvements as follows:

- Maintenance, repair, and energizing of highway and pedestrian bridge lighting and related appurtenances;
- Maintenance of landscaping and sidewalk appurtenances;
- Maintenance for the pedestrian bridge wearing surfaces and railings and for snow removal; and
- Street sweeping and snow removal on the West Ridge frontage road.

A Public Hearing on the Official Map Amendment is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-88

Ordinance No. 2004-225
(Int. No. 223)

Accepting Responsibility For Improvements As A Part Of The West Ridge Road Improvement Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby again approves the participation by the City in the West Ridge Road (Hanford Landing to West City Line) Improvement Project to be administered by the New York State Department of Transportation.

Section 2. The Mayor is hereby again authorized to enter into such agreements with the New York State Department of Transportation as may be necessary for participation by the City in the West Ridge Road (Hanford Landing to West City Line) Improvement Project. The Council hereby further approves the installation of sidewalk and landscape appurtenances as a part of the West Ridge Road Improvement Project as shown on the contract plans and agrees that the City will maintain or cause to be maintained such sidewalk and landscape appurtenances.

Section 3. The Council hereby approves the participation by the City in the West Ridge Road (Hanford Landing to the Veteran's Memorial Bridge) Improvement Project to be administered by the City.

Section 4. The Mayor is hereby authorized to enter into such agreements with the New York State Department of Transportation as may be necessary for participation by the City in the West Ridge Road (Hanford Landing to the Veteran's Memorial Bridge) Improvement Project. The Council hereby approves the installation of a new pedestrian bridge, highway and pedestrian bridge lighting and related appurtenances, sidewalk and landscape appurtenances and West Ridge frontage road as a part of the West Ridge Road Improvement Project as shown on the contract

plans and agrees that the City will be responsible for the maintenance, repair and energizing of such highway and pedestrian bridge lighting and related appurtenances, maintenance of sidewalk and landscape appurtenances, maintenance of pedestrian bridge wearing surfaces and railings and snow removal, and street sweeping and snow removal on the West Ridge frontage road.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. The City Clerk is directed to transmit six certified copies of this ordinance to the New York State Department of Transportation.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-226
(Int. No 224)

Dedication And Abandonment Of Parcels As Part Of The West Ridge Road Public Improvement Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Pullman Avenue:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point in the northerly line of Pullman Avenue from which the intersection of the northerly line of Pullman Avenue and the southwesterly line of the existing West Ridge Road bears N 89° 43' 01" E a distance of 53.39 feet (16.273 meters) also being in the southerly line of the former lands of Missy, LLC as per Liber 9138 of deeds at page 506;

Thence 1) Westerly along the northerly line of Pullman Avenue, and said line of proposed Pullman Avenue, on a bearing of S 89° 43' 01" W a distance of 90.07 feet (27.452 meters) to a point of curvature in the northerly line of Pullman Avenue also being in the southerly line of the former lands of Khamphanh Rajaphoumy and Boualong Rajaphoumy as per Liber 8664 of deeds at page 105;

Thence 2) Northeasterly through said former lands of Khamphanh Rajaphoumy and Boualong Rajaphoumy, same being along said line of proposed Pullman Avenue along a tangent curve concave to the west with a radius of 57.85 feet (17.633 meters), a delta of 48° 26' 41", a chord bearing of N 65° 25' 06" E, a chord distance of 47.47 feet (14.470 meters), and an arc length of 48.92 feet (14.910 meters) to a point;

Thence 3) Northeasterly continuing through the said former lands of Khamphanh Rajaphoumy and Boualong Rajaphoumy, on a bearing of N 41° 11' 45" E a distance of 24.86 feet (7.576 meters) to a point;

Thence 4) Southeasterly continuing through the said former lands of Khamphanh Rajaphoumy and Boualong Rajaphoumy and the said former lands of Missy, LLC, on a bearing of S 48° 48' 39" E a distance of 48.00 feet (14.630 meters) to a point;

Thence 5) Southwesterly continuing through said former lands of Missy, LLC, on a bearing S 41° 11' 45" W a distance of 8.50 feet (2.591 meters) to the point of beginning and containing 1,518± square feet (141.0± square meters) more or less.

Subject to any easements or encumbrances existing or of record.

Section 2. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Minder Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point in the northerly line of Pullman Avenue from which the intersection of the northerly line of Pullman Avenue and the westerly line of the existing Minder Street bears N 89° 42' 56" E a distance of 31.97 feet (9.744 meters) also being in the southerly line of the former lands of Eastman Kodak Company as per Liber 3728 of deeds at page 412 and Liber 3753 of deeds at page 6, said point being an angle point of the proposed Minder Street;

Thence 1) Westerly along the northerly line of Pullman Avenue, and said line of proposed Minder Street, on a bearing of S 89° 42' 56" W a distance of 15.67 feet (4.777 meters) to an angle point in the northerly line of Pullman Avenue;

Thence 2) Northwesterly continuing along the northerly line of Pullman Avenue, and said line of proposed Minder Street, on a bearing of N 52° 02' 34" W a distance of 95.90 feet (29.232 meters) to a point;

Thence 3) Southeasterly through the said former lands of Eastman Kodak Company, along said line of proposed Minder Street, on a bearing of S 72° 56' 07" E a distance of 21.62 feet (6.590 meters) to a point;

Thence 4) Northeasterly continuing through the former lands of Eastman Kodak Company, along said line of proposed Minder Street, on a bearing of N 41° 11' 20" E a distance of 247.75 feet (75.513 meters) to a point;

- Thence 5) Southeasterly along said line of proposed Minder Street on a bearing of S 48° 48' 39" E a distance of 50.03 feet (15.250 meters) to a point;
- Thence 6) Southwesterly continuing through the former lands of Eastman Kodak Company, along said line of proposed Minder Street; on a bearing of S 41° 11' 20" W a distance of 240.80 feet (73.395 meters) to a point;
- Thence 7) Southeasterly continuing through the former lands of Eastman Kodak Company, along said line of proposed Minder Street, on a bearing of S 48° 48' 40" E a distance of 37.73 feet (11.500 meters) to the point of beginning and containing 13,137± square feet (1220.5± square meters) more or less.

Being part of the same premises acquired by the Eastman Kodak Company by deeds recorded in the Monroe County Clerk's Office from September 21, 1965 through August 13, 1973 and filed in Libers 3675, 3728, 3753, 3775, 3775, 3777, 3777, 3970, 4512 and 4723 of deeds at pages 341, 412, 6, 224, 226, 335, 340, 503, 280 and 202 respectively.

Subject to any easements or encumbrances existing or of record.

Section 3. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Lapham Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the southerly line of Redwood Road (60' wide) and the dividing line between the lands of the Aaron Allen and Jennifer Raschke as per Liber 8654 of deeds at page 6, SBL # 090.44-01-04 on the east and the former lands of Michael J. Piehler Revocable Living Trust as per Liber 8698 of deeds at page 455, SBL # 090.44-01-03 on the west;

- Thence 1) S 00° 14' 00" E along said dividing line, same being along said line of proposed Lapham Street, a distance of 134.24 feet (40.916 meters) to a point being the southwest corner of said Aaron Allen and Jennifer Raschke lands;
- Thence 2) N 89° 46' 00" E along the southerly line of said Aaron Allen and Jennifer Raschke lands, same being along said line of proposed Lapham Street, a distance of 9.70 feet (2.958 meters) to a point being the dividing line between the lands of the City of Rochester as per Liber 9842 of deeds at page 312, SBL # 090.44-01-37 on the west and the Tracy A. Dunn-McDonald as per Liber 9228 of deeds at page 574, SBL # 090.44-01-36 on the east;
- Thence 3) S 00° 11' 34" E along said dividing

line, same being along said line of proposed Lapham Street, a distance of 111.88 feet (34.100 meters) to a point in the northerly line of the existing Lapham Street;

- Thence 4) S 89° 48' 24" W along the northerly line of said Lapham Street a distance of 54.29 feet (16.549 meters) to a point;
- Thence 5) N 04° 07' 16" W through the lands of the Michael J. Piehler Revocable Living Trust as per Liber 8698 of deeds at page 455, SBL # 090.44-01-01 and SBL # 090.44-01-02, same being along said line of proposed Lapham Street, a distance of 140.94 feet (42.959 meters) to a point of curvature;
- Thence 6) Northeasterly continuing through the said lands of the Michael J. Piehler Revocable Living Trust, same being along said line of proposed Lapham Street, along a tangent curve concave to the east with a radius of 845.22 feet (257.625 meters), a delta of 03° 57' 57", a chord bearing of N 02° 08' 17" W, a chord distance of 58.49 feet (17.829 meters), and an arc length of 58.50 feet (17.832 meters) to a point of tangency;
- Thence 7) N 00° 09' 18" W continuing through the said lands of the Michael J. Piehler Revocable Living Trust, same being along said line of proposed Lapham Street, a distance of 47.00 feet (14.326 meters) to the southerly line of Redwood Road;
- Thence 8) N 89° 45' 57" E along the southerly line of Redwood Road a distance of 56.10 feet (17.101 meters) to the point of beginning and containing 13,920± square feet (1293.2± square meters) more or less.

Subject to any easements or encumbrances existing or of record.

Section 4. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Mayflower Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows:

Beginning at a point of intersection of the existing easterly ROW line of Mayflower Street and the most northerly corner of New York State Appropriation, Map 71, Parcel 76, as filed in Liber 1192 of Appropriations, Page 196, said intersection being the point or place of beginning;

- Thence 1) S 12° 24' 42" E, a distance of 38.86 feet to a point of curvature;
- Thence 2) Southerly and easterly, along a curve to the right, with a radius of 218.69 feet, a distance of 89.06 feet

to a point;

- Thence 3) N 89° 56' 22" E, a distance of 8.17 feet to a point on the northerly ROW line of proposed Eastman Avenue;
- Thence 4) S 46° 43' 31" W, along said proposed Eastman Avenue ROW line, a distance of 74.37 feet to a point on the said existing easterly ROW line of Mayflower Street;
- Thence 5) N 00° 03' 37" E, along said existing easterly ROW line of Mayflower Street, a distance of 168.89 feet to the point or place of beginning.

All as shown on a map entitled, "Portion of Mayflower Street To Be Dedicated", dated April 12, 2004, prepared by Charles E Reed, L.S.

Section 5. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Eastman Avenue:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and describes as follows:

Beginning at a point which is the intersection of the northerly ROW line of West Ridge Road and the existing westerly ROW line of Mayflower Street, said intersection being the point or place of beginning;

- Thence 1) N 62° 32' 50" W, along said northerly ROW line of West Ridge Road, a distance of 24.86 feet to a point;
- Thence 2) N 81° 51' 07" E, a distance of 22.27 feet to a point;
- Thence 3) S 00° 03' 37" E, a distance of 3.83 feet to a point;
- Thence 4) Easterly and northerly, along a curve to the left, with a radius of 20.00 feet, a distance of 16.22 feet to a point of tangency;
- Thence 5) N 43° 27' 37" E, a distance of 47.68 feet to a point of curvature;
- Thence 6) Easterly and northerly, along a curve to the left, with a radius of 20.00 feet, a distance of 4.41 feet to a point tangency;
- Thence 7) N 46° 43' 31" E, a distance of 74.37 feet to an angle point;
- Thence 8) N 43° 27' 37" E, a distance of 110.33 feet to an angle point;
- Thence 9) N 47° 02' 02" E, a distance of 83.44 feet to an angle point;
- Thence 10) N 64° 41' 37" E, a distance of 126.39 feet to an angle point;
- Thence 11) N 77° 55' 51" E, a distance of 74.09 feet to an angle point;

Thence 12) N 53° 16' 10" E, a distance of 28.34 feet to a point on the westerly ROW line of Dewey Avenue (66' ROW);

Thence 13) S 00° 12' 15" E, along said westerly ROW line of Dewey Avenue, a distance of 121.40 feet to a point on the southerly ROW line of proposed Eastman Avenue;

Thence 14) N 41° 42' 14" W, a distance of 40.39 feet to a point of curvature;

Thence 15) Southwesterly, along a curve to the left, with a radius of 329.56 feet, a distance of 232.60 feet to a point of tangency;

Thence 16) S 43° 27' 37" W, a distance of 197.14 feet to an angle point;

Thence 17) S 01° 32' 23" E, a distance of 38.53 feet to a point on the said northerly ROW line of West Ridge Road;

Thence 18) N 62° 32' 50" W, along said northerly ROW line, a distance of 96.10 feet to the point or place of beginning.

All as shown on a map entitled, "New Portion Of Eastman Avenue To Be Dedicated", dated April 12, 2004, prepared by Charles E Reed, L.S.

Section 6. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to the corner of Palm Street and West Ridge Road:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the southerly line of West Ridge Road and the northerly line of Palm Street;

- Thence 1) Southwesterly along the northwesterly line of Palm Street a distance of 16.57 feet (5.051 meters) to an angle point in the northerly line of Palm Street;
- Thence 2) Westerly along the northerly line of Palm Street a distance of 9.38 feet (2.858 meters) to a point in the northerly line of Palm Street;
- Thence 3) Northerly through the lands of Rubino Italian Submarine, Inc. a distance of 24.69 feet (7.524 meters) to the southerly line of West Ridge Road to a point 17.45 feet (5.317 meters) northwesterly from the northerly line of Palm Street as measured along the southerly line of West Ridge Road;
- Thence 4) Southwesterly along the southerly line of West Ridge Road a distance of 17.45 feet (5.317 meters) to the point or place of beginning, and being 256± square feet (23.8± square

meters).

Being the same premises acquired by the Rubino Italian Submarine, Inc. by a deed recorded in the Monroe County Clerk's Office on January 18, 1972 and filed in Liber 4200 of deeds at page 165.

Subject to any easements or encumbrances existing or of record.

Section 7. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcels to street purposes and adding said parcels to the corner of Desmond Street and West Ridge Road:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the southerly line of West Ridge Road and the easterly line of Desmond Street;

Thence 1) Southerly along the easterly line of Desmond Street on a bearing of S 00° 32' 41" W a distance of 5.28 feet (1.608 meters) to a point;

Thence 2) Easterly through the lands of Christopher Connors on a bearing of N 72° 11' 45" E a distance of 8.85 feet (2.698 meters) to a point;

Thence 3) Easterly continuing through the lands of Christopher Connors on a bearing of S 77° 31' 11" E a distance of 11.99 feet (3.655 meters) to a point;

Thence 4) Northwesterly along the southerly line of West Ridge Road on a bearing of N 51° 02' 04" W a distance of 15.70 feet (4.785 meters) to an angle point in the southerly line of West Ridge Road, said point having been established by Acquisition Map 2, Parcel 2 for the improvement of Rochester City: Ridge Road West, Mt. Read Blvd. To Lake Avenue dated July 31, 1951;

Thence 5) Southwesterly continuing along the southerly line of West Ridge Road on a bearing of S 59° 07' 37" W a distance of 9.18 feet (2.798 meters) to the point of beginning, and being 94⁺ square feet (8.7⁺ square meters).

Being part of the same premises acquired by the Christopher Connors by a deed recorded in the Monroe County Clerk's Office on October 12, 1999 and filed in Liber 9225 of deeds at page 519.

Subject to any easements or encumbrances existing or of record.

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the southerly line of West Ridge Road and the westerly line of Desmond Street;

Thence 1) Southerly along the westerly line of Desmond Street a distance of 7.90 feet (2.409 meters) to a point;

Thence 2) Northwesterly through the lands of the City of Rochester School District a distance of 21.30 feet (6.492 meters) to the southerly line of West Ridge Road to a point 15.47 feet (4.715 meters) northwesterly from the west line of Desmond Street as measured along the southerly line of West Ridge Road;

Thence 3) Southeasterly along the southerly line of West Ridge Road a distance of 15.47 feet (4.715 meters) to the point or place of beginning, and being 48[±] square feet (4.4[±] square meters).

Being part of the same premises acquired by the City of Rochester School District by a deed recorded in the Monroe County Clerk's Office on August 3, 1911 and filed in Liber 860 of deeds at page 45.

Subject to any easements or encumbrances existing or of record.

Section 8. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following parcel heretofore dedicated to street purposes and constituting a portion of Pullman Avenue:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point in the southerly line of Pullman Avenue from which the intersection of the southerly line of Pullman Avenue and the southwesterly line of the existing West Ridge Road bears N 89° 43' 01" E a distance of 45.29 feet (13.805 meters);

Thence 1) Southwesterly along said southerly line of Pullman Avenue on a bearing S 89° 43' 01" W a distance of 157.14 feet (47.897 meters) to a point of curvature;

Thence 2) Northeasterly crossing said Pullman Avenue, along a tangent curve concave to the west with a radius of 105.85 feet (32.264 meters), a delta of 48° 26' 41", a chord bearing of N 65° 25' 06" E, a chord distance of 86.86 feet (26.475 meters), and an arc length of 89.50 feet (27.280 meters) to a point in the northerly right of way line of said Pullman Avenue;

Thence 3) Easterly along said northerly line of Pullman Avenue, on a bearing of N 41° 11' 45" E a distance of 12.83 feet (3.912 meters) to a point in the northerly right of way line of said Pullman Avenue;

Thence 4) Southeasterly crossing said Pullman Avenue, on a bearing of S 48° 48' 39" E a distance of 72.48

feet (22.092 meters) to the point of beginning and containing 3,243± square feet (301.3± square meters) more or less.

Subject to any easements or encumbrances existing or of record.

Section 9. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following parcel heretofore dedicated to street purposes and constituting a portion of Minder Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the northerly right of way line of Pullman Avenue (48' wide) and the northwesterly right of way line of Minder Street (50' wide);

Thence 1) Northeasterly along said northwesterly line of Minder Street on a bearing of N 40° 00' 31" E a distance of 219.67 feet (66.956 meters) to a point;

Thence 2) Southeasterly crossing said Minder Street, on a bearing of S 48° 48' 39" E a distance of 50.02 feet (15.245 meters) to a point in the southeasterly line of Minder Street;

Thence 3) Southwesterly along said southeasterly line of Minder Street, on a bearing of S 40° 00' 31" W a distance of 176.23 feet (53.715 meters) to a point on the northerly right of way line of said Pullman Avenue;

Thence 4) Westerly crossing said Minder Street, on a bearing of S 89° 42' 26" W a distance of 65.57 feet (19.986 meters) to the point of beginning and containing 9,899± square feet (919.6± square meters) more or less.

Subject to any easements or encumbrances existing or of record.

Section 10. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following parcel heretofore dedicated to street purposes and constituting a portion of Lapham Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the northerly right of way line of Lapham Street (50' wide) and the easterly right of way line of Lake Avenue;

Thence 1) Easterly along said northerly line of Lapham Street, on a bearing of N 89° 48' 26" E a distance of 232.51 feet (70.869 meters) to a point;

Thence 2) Southerly crossing said Lapham Street, on a bearing of S 00° 11' 34"

E a distance of 50.00 feet (15.240 meters) to a point in the southerly line of said Lapham Street;

Thence 3) Westerly along said southerly line of Lapham Street, on a bearing of S 89° 48' 26" W a distance of 241.15 feet (73.503 meters) to a point on the easterly right of way line of said Lake Avenue;

Thence 4) Northerly along said easterly line of Lake Avenue, on a bearing of N 09° 36' 41" E a distance of 50.74 feet (15.466 meters) to the point of beginning and containing 11,842± square feet (1100.1± square meters) more or less.

Subject to any easements or encumbrances existing or of record.

Section 11. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following parcel heretofore dedicated to street purposes and constituting a portion of Mayflower Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows:

Beginning at a point of intersection of the northerly ROW line of West Ridge Road and the existing westerly ROW line of Mayflower Street, said intersection being the point or place of beginning;

Thence 1) N 00° 03' 37" W, along the existing westerly ROW line of said Mayflower Street, a distance of 183.70 feet to a point;

Thence 2) Southerly and easterly, along a curve to the left, with a radius of 273.69 feet, a distance of 132.06 feet to a point of reverse curvature;

Thence 3) Southerly and easterly, along a curve to the right, with a radius of 20.00 feet, a distance of 1.735 feet to a point;

Thence 4) S 00° 03' 37" E, along the existing easterly ROW line of said Mayflower Street, a distance of 20.53 feet to a point;

Thence 5) Southwesterly, along a curve to the right, with a radius of 20.00 feet, a distance of 4.41 feet to a point of tangency;

Thence 6) S 43° 27' 37" W, a distance of 47.68 feet to a point of curvature;

Thence 7) Southwesterly, along a curve to the right, with a radius of 20.00 feet, a distance of 16.22 feet to a point of tangency;

Thence 8) N 00° 03' 37" W, a distance of 3.83 feet to the point or place of beginning.

All as shown on a map entitled, "Portion of Mayflower Street To Be Abandoned", dated April 12, 2004, prepared by Charles E Reed, L.S.

Section 12. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following parcel heretofore dedicated to street purposes and constituting a portion of Hanford Landing Road:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 25 & 26, Township 1, Short Range, more particularly bounded and described as follows:

Beginning at a point of intersection of the north ROW line of Hanford Landing Road and the northeasterly ROW line of West Ridge Road, said intersection being the point or place of beginning:

- Thence 1) Easterly, along the northerly ROW line of Hanford Landing Road, a distance of 263.93 feet to the easterly end of the existing ROW;
- Thence 2) Southerly, along the easterly end of the existing ROW, a distance of 49.5 feet to the south ROW line of Hanford Landing Road;
- Thence 3) Westerly, along the southerly ROW line of Hanford Landing Road and parallel with Course 1, a distance of 157 feet, more or less, to the northeast corner of lands appropriated by the State of New York in Liber 1180 of Appropriations, Page 6;
- Thence 4) Southeasterly, along the southerly line of said NYS Appropriation, a distance of 46 feet, more or less, to the northeasterly ROW line of West Ridge Road;
- Thence 5) Northwesterly, along said West Ridge Road ROW, a distance of 96 feet, more or less, to the point or place of beginning.

Section 13. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-227, 2004-228, 2004-229, 2004-230, And 2004-231
Re: West Broad Street Public Improvement Project (Brown Street to Lyell Avenue)

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation which will:

- 1. Amend the Official Map by dedicating public right-of-way from a portion of 900 West Broad Street and 242-248 Jay Street;
- 2. Authorize issuance of bonds in the amount of

\$1,680,000 and appropriation of the proceeds thereof to finance the cost of the street improvements;

- 3. Authorize issuance of bonds in the amount of \$522,000 and appropriation of the proceeds thereof to finance the cost of the water improvements;
- 4. Authorize issuance of bonds in the amount of \$200,000 and appropriation of the proceeds thereof to finance the cost of the sewer improvements;
- 5. Authorize issuance of bonds in the amount of \$35,000 and appropriation of the proceeds thereof to finance a portion of the cost of streetscape enhancements; and
- 6. Authorize a professional services agreement with FRA Engineering, P.C., 530 Summit Point Drive, Henrietta, NY, in the amount of \$280,000, for resident project representation services.

Design of the project by FRA Engineering was authorized by Council in separate ordinances in 1998 and 2003. The project features include reconstruction of pavement; installation of new curbs, concrete sidewalks, and driveway aprons; water main replacement and hydrant and water service upgrades; drainage and street lighting systems; tree planting; new pavement markings; and intersection signal improvements. Additionally, the project includes streetscape enhancements as part of the Brown Street Gateway Improvement Project including decorative street lighting fixtures and paver crosswalks at the Smith Street intersection. The Brown Street Gateway Improvement Project, in conjunction with the new soccer stadium, will include street lighting upgrades to Oak Street south of Smith Street, and additional enhancements near the stadium.

The Official Map amendment was presented to the City Planning Commission on February 17, 2004; the vote was 4-0-0 in favor of the Official Map amendment. The amendment at 900 West Broad Street will allow the construction of wider sidewalks to accommodate larger pedestrian traffic in the vicinity of the proposed new soccer stadium. The amendment at 250 Jay Street will allow for the construction of handicapped access sidewalk ramps at the intersection. Maps and legal descriptions of the Official Map amendments are attached.

Bids for construction were received on June 1, 2004. The work will be performed by Villager Construction, Inc. at a cost of \$2,307,862 which is 1.85 percent less than the engineer's estimate; an additional \$315,138 will be allocated for contingencies which include street lighting costs and items not included in the contract. This contract includes Apprenticeship Training Program requirements and Public Works Incentive Program provisions as authorized by City Council on October 21, 2003.

The cost of the categories of work for the project based upon the bid amount are as follows:

Category	Construction	Contingency	Total
	RPR		
Street	\$1,260,737	\$226,819	\$1,680,000
	\$192,444		
Water	431,935	43,585	

	46,480		522,000
Sewer	181,555	18,445	
		0	200,000
Streetscape Enhancements	98,068	10,176	
		7,756	116,000
Traffic	335,567	16,113	
		33,320	385,000
Total	\$2,307,862	\$315,138	\$2,903,000

The cost of the street, water and sewer improvements will be financed from proceeds of the proposed bonds as provided for in the 2002-03 and 2003-04 Capital Improvement Program. The streetscape enhancements will be funded from the proceeds (\$35,000) of the proposed streetscape enhancement bond and previous appropriations (\$81,000) for the Brown Street Gateway Improvement Project (Ordinance 2004-108). The traffic improvements will be financed from anticipated reimbursements from Monroe County.

Construction of the project is anticipated to begin in summer 2004 and be completed in summer 2005. The project was presented at a public information meeting on October 29, 2003, the minutes of which are on file in the City Clerk's Office. An additional public informational meeting will be held prior to the start of construction. A public hearing on the Official Map Amendment is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-89

Ordinance No. 2004-227
(Int. No. 247)

Approving The Dedication Of Portions Of 900 West Broad Street And 242-248 Jay Street To Street Purposes As A Part Of The West Broad Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel, constituting a portion of 900 West Broad Street, to street purposes and adding said parcel to West Broad Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the northerly line of West Broad Street and the dividing line between the lands of New York Central Lines, LLC as per Liber 9214 of deeds at page 520 on the north and The City of Rochester as per Liber 1171 of deeds at page 227 on the south;

Thence 1) Easterly along said dividing line on a bearing N89° 42' 28" E a distance of 1.73 feet (0.527 meters) to a point;

Thence 2) Southeasterly through the lands of The City of Rochester on a bearing of S41° 42' 24" E a distance of 53.55 feet (16.322 meters) to a point;

Thence 3) Continuing southeasterly through the lands of The City of Rochester on a tangent curve concave to the northeast with a radius of 1448.00 feet (441.351 meters), a delta of 2° 55' 57" and an arc length of 74.11 feet (22.589 meters) to a point;

Thence 4) Continuing southeasterly through the lands of The City of Rochester on a bearing of S24° 38' 20" E a distance of 10.55 feet (3.216 meters) to a point;

Thence 5) Continuing southeasterly through the lands of The City of Rochester on a tangent curve concave to the northeast with a radius of 618.00 feet (188.367 meters), a delta of 17° 20' 29" and an arc length of 187.05 feet (57.013 meters) to a point;

Thence 6) Continuing southeasterly through the lands of The City of Rochester on a bearing of S61° 58' 50" E a distance of 50.55 feet (15.408 meters) to the northerly line of West Broad Street;

Thence 7) Northwesterly along the northerly line of West Broad Street on a bearing of N65° 49' 49" W a distance of 115.98 feet (35.351 meters) to an angle point in the northerly line of West Broad Street;

Thence 8) Continuing northwesterly along the northerly line of West Broad Street on a bearing of N44° 38' 20" W a distance of 132.64 feet (40.429 meters) to an angle point in the northerly line of West Broad Street;

Thence 9) Continuing northwesterly along the northerly line of West Broad Street on a bearing of N43° 52' 37" W a distance of 83.77 feet (25.533 meters) to an angle point in the northerly line of West Broad Street;

Thence 10) Continuing northwesterly along the northerly line of West Broad Street on a bearing of N38° 21' 28" W a distance of 39.13 feet (11.927 meters) to the point of beginning.

And being 1611± square feet (149.7± square meters).

Being part of the same premises acquired by The City of Rochester by deeds recorded in the Monroe County Clerk's Office on July 26, 1922 and filed in Liber 1171 of deeds at page 227.

Subject to any easements or encumbrances existing or of record.

Section 2. Chapter 76 of the Municipal Code, Of-

ficial Map, as amended, is hereby further amended by dedicating the following parcel, constituting a portion of 242-248 Jay Street, to street purposes and adding said parcel to West Broad Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the northeasterly line of West Broad Street and the northwesterly line of Jay Street;

Thence 1) Northeasterly along the northwesterly line of Jay Street on a bearing of N44° 46' 26" E a distance of 13.54 feet (4.127 meters) to a point;

Thence 2) Westerly through the lands of Joseph M. Petrillo, Jr. on a bearing of S87° 45' 05" W a distance of 18.64 feet (5.683 meters) to a point;

Thence 3) Southeasterly along the northeasterly line of West Broad Street on a bearing of S45° 40' 39" E a distance of 12.71 feet (3.874 meters) to the point or place of beginning.

And being 86± square feet (8.0± square meters).

Being part of the same premises acquired by Joseph M. Petrillo, Jr. by a deed recorded in the Monroe County Clerk's Office on March 16, 1972 and filed in Liber 4225 of deeds at page 10.

Subject to any easements or encumbrances existing or of record.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-228
(Int. No. 248)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,715,000 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The West Broad Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction of streets and the cost of streetscape enhancements, including but not limited to upgraded street lighting and paver crosswalks at the Smith Street intersection, as a part of the West Broad Street Public Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,796,000. The plan of financing includes the issuance of \$1,715,000 bonds, and said amount is hereby appropriated therefor, together with \$81,000 previously appropriated from Federal Community Development Program Funds in Ordinance No. 2004-108, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon

as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,715,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and

an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-229
(Int. No. 249)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The West Broad Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the West Broad Street Public Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$200,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$200,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$200,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of

said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-230
(Int. No. 250)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$522,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The West Broad Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the West Broad Street Public Improvement Project in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$522,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$522,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$522,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$522,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the

issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-231
(Int. No. 251)

Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For The West Broad Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$280,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C., for resident project representation services for the West Broad Street Public Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$200,200 shall be funded from a bond ordinance adopted for street purposes, \$46,480 shall be funded from a bond ordinance adopted for water purposes, and \$33,320 shall be funded from reimbursements from the County of Monroe.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:15 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
JUNE 24, 2004

Present - President Giess, Councilmembers Douglas, Mains, Norwood, Santiago, Stevenson - 6.

Absent - Curran, McFadden, Pritchard - 3.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-232
Re: Good Grades Pay Program

R2010: Campaign 2 - Educational Excellence
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to the Good Grades Pay program. This legislation will:

1. Appropriate funds from the following sources to finance the program:
 - a. \$357,506 from the 2004-05 Budget of the Department of Parks, Recreation and Human Services;
 - b. \$20,208 from the 2003-04 Budget of the Department of Parks, Recreation and Human Services;
 - c. \$52,037 from the 2003-04 Community Development Block Grant (Job Creation Youth Development Allocation).
2. Authorize any necessary agreements to implement the program.

The total number of youth to be served through Good Grades Pay 2004 is 326 for a total cost of \$429,751.

The Good Grades Pay program provides City middle school and high school students between the ages of 14-21 with a summer work experience or a vocational exploration opportunity. The GGP requires at least a 2.0 GPA for the marking period, a 90% minimum attendance rate, and no long term school suspensions for the current school year.

The GGP vocational exploration/educational programs for 14 and 15 year olds are designed to provide participants with information and experience in specific career clusters highlighting the educational requirements and upward mobility of those areas.

In January 2004, the Good Grades Pay Request for Proposal was released and 15 agencies responded. The programs listed below are recommended for funding based on the description of proposed services, past performance, and the amount of available funding.

The following nine programs will serve 244 fourteen- and fifteen-year-olds at a cost of \$314,300.

<u>Agency</u>	<u>Number</u>	<u>Cost per</u>	<u>Amount</u>
	<u>Enrolled</u>	<u>Enrollee</u>	<u>Recommended</u>
	<u>Project Description</u>		
Action for a Better Community	34	\$1,333	\$45,325
	Career exploration in areas of business and helping professions		
American Red Cross	40	1,068	42,725
	Employability skills training and work experience focusing on careers in human services		
Baden	25	1,328	33,200
	Continuation of summer funding for an engineer prep program that is funded during the school year by the Dept. of Transportation		
Catholic Family Center	25	1,404	35,100
	Teen Biz program designed to teach entrepreneurship knowledge, skills, and attitudes, enabling students to start their own businesses		
Community Place	35	1,280	44,800
	Non-traditional career exploration for young women residing in the NE Quadrant of the City		
Ibero American Action League	30	1,255	37,650
	Career exploration in the health and fitness area		
MCC-Damon	25	1,340	33,500
	Work experience in science and technology careers; includes workshops in Math and English		
PRYD	25	1,400	35,000
	Business and entrepreneurial skills training; includes mentorships from the business community		
Rochester City	5	1,400	7,000
	Expose youth to careers in legal system - internships in law and government offices		

In addition to the above vocational exploration programs, the following components are also part of the Good Grades Pay program:

Community Conservation Corps (CCC) will enroll 30 youth, and Teens on Patrol (TOPS) will enroll 18 youth at minimum wage to work in city recreation centers and/or with police-sponsored programs and

sites. The program duration is 8 and 7 weeks respectively. Funds for this component are included in the proposed 2004-2005 budget.

Good Grades Pay Plus (GGP+) will provide work experience for 5 high school youth who are 16 years of age or older and exceed the GGP criteria by having at least a 3.0 GPA for the marking period and 95% or better school attendance. These youth will be paid \$6.00/hour in an internship-like experience.

As in previous years, the Rochester City School District will provide payroll processing services and paycheck distribution for the CCC, TOPS, GGP+, and Jr. Recreation Leadership programs. The agreement for \$96,614 is for youth wages and fringe benefits, plus administrative costs.

Additionally, \$18,837 will be used to fund Monroe Community College's National Youth Sports Program to employ 10 Camp Counselor Assistant positions. This program enables 360 city youth between the ages of 10 and 16 to participate in organized athletic instruction and supervised activities. Of the \$18,837, \$8,837 will be used to hire the 10 GGP youth, and \$10,000 will be used to provide transportation for all youth participating in the program.

The most recent agreement for these services was approved by Council on May 13, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-232
(Int. No. 201)

Authorizing Agreements Relating To The 2004 Good Grades Pay Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following, or the following amounts are allocated, for the operation of projects and/or administration of projects for the 2004 Good Grades Pay Program:

Organization	Total
Action for a Better Community	\$45,325
American Red Cross	42,725
Baden Street Settlement	33,200
Catholic Family Center	35,100
Community Place	44,800
Ibero American Action League	37,650
MCC-Damon	33,500
PRYD	35,000
Rochester City School District	96,614
MCC - National Youth Sports	18,837
City of Rochester	7,000

Section 2. The agreements and allocations shall obligate the City to pay an amount not to exceed \$429,751, and of said amount, or so much thereof as may be necessary, \$357,506 shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services. \$20,208 shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services, and \$52,037 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2003-04 Community

Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Stevenson - 5.

Nays - None - 0.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

The meeting was adjourned at 5:45 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
JULY 27, 2004

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Stevenson - 7.

Absent - Councilmembers Norwood, Santiago - 2.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirements

RFD

- James G. McCabe
- *Lon E. Ashton
- *David C. Hare

DES

- *Glenn S. Popowich
- *Thomas C. Ras

DPRHS

- *Carole A. Barattini
- *Daniel R. Copeland
- *Robert C. Whiting

EDD

- *Donald T. Brion

Library

- *Carole J. Joyce

RPD

- *Michael J. Cudlipp
- *Charles L. Koerner
- *Robert C. Wetzel

*Not attending Meeting.

APPROVAL OF THE MINUTES

By Councilmember Pritchard

RESOLVED, that the minutes of the Public Hearing of June 16, 2004, Special Meeting of June 18, 2004, Regular Meeting of June 22, 2004, and the Special Meeting of June 24, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFICERS
AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Quarterly Reports. 3774-7 & 3775-7

The Director of Zoning Submits Notices of Environmental Determination.

601 Elmwood Avenue. 3776-7

THE COUNCIL PRESIDENT - PRESENTATION
AND REFERENCE OF PETITIONS AND REMONSTRANCES.

By Councilmember Stevenson - Petition submitted by residents of the Rochester area opposing the use of 56 Stutson Street as a BBQ Restaurant. Petition No. 1605

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Amending The 2000-01, 2002-03 And 2003-04 Community Development Programs By Transferring Funds And Authorizing An Agreement For Mortgage Default Resolution Services Int. No. 263 No speakers.

Amending Chapter 120 Of The Municipal Code, The Zoning Code Int. No. 264 No speakers.

Changing The Zoning Classification Of Rochester General Hospital From Institutional Planned Development District #11 To Planned Development District #6-Rochester General Hospital Int. No. 265 One speaker: Dan Aken.

Adopting Requirements And Standards For Planned Development District #6-Rochester General Hospital, As Amended Int. No. 266 No speakers.

Authorizing The Acquisition By Negotiation Or Condemnation Of 64 North Washington Street To Further The Cascade Area Urban Renewal Plan Int. No. 291 One speaker: Fashun Ku.

Local Improvement Ordinance - Establishment Of The South/Alexander Open Space Special Assessment District Int. No. 278 Two speakers: Kevin Reynolds and Andrew Peterson.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-19
Re: Appointment - High Falls BID

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation appointing the Council President, or the President's designee, to the Board of Directors of the High Falls Business Improvement District (BID). The NY General Municipal Law § 980-m. (b) requires that the Board of Directors be comprised of various representatives of the owners and tenants within the district along with three representatives of the municipality, one representative appointed by the chief elected

officer, one by the chief financial officer, and one by the legislative body.

Mayor William A. Johnson, Jr. and Director of Finance Vincent J. Carfagna will fill the first two seats. The proposed legislation would appoint me or my designee to fill the required third seat to be appointed by Council.

The High Falls BID was approved by City Council through a lengthy process, with the final approval for submission to the State having been given at the December 23, 2003 Council meeting. Approval of the municipal representatives at this time will enable the Board to begin its important oversight.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2004-19
(Int. No. 295)

Resolution Appointing A Member To The High Falls Business Improvement District Board of Directors

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to §980-m. (b) of the General Municipal Law, the Council hereby appoints the President of Council, or the President's designee, to serve as the representative of the local legislative body on the Board of Directors of the High Falls Business Improvement District.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
July 27, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 256 - Authorizing The Sale Of Real Estate

Int. No. 257 - Appropriation Of Funds - Homebuyer Assistance Program

Int. No. 258 - Authorizing Agreements For Landlord And Tenant Services

Int. No. 259 - Appropriating Funds For The Community Choice/Fair Housing Website

Int. No. 260 - Appropriating Funds For Housing Program Arbitration Services

Int. No. 261 - Appropriating Funds And Authorizing Agreements For The Neighbors Building Neighborhoods Program

Int. No. 262 - Local Law Revising The Boundaries Of The New York State Empire Zone

Int. No. 287 - Resolution Approving Appointments

To The Cultural Center Commission

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 263 - Amending The 2000-01, 2002-03 And 2003-04 Community Development Programs By Transferring Funds And Authorizing An Agreement For Mortgage Default Resolution Services

Int. No. 264 - Amending Chapter 120 Of The Municipal Code, The Zoning Code

Int. No. 265 - Changing The Zoning Classification Of Rochester General Hospital From Institutional Planned Development District #11 To Planned Development District #6-Rochester General Hospital

Int. No. 266 - Adopting Requirements And Standards For Planned Development District #6-Rochester General Hospital, As Amended

Int. No. 291 - Authorizing The Acquisition By Negotiation Or Condemnation Of 64 North Washington Street To Further The Cascade Area Urban Renewal Plan

Int. No. 292 - Authorizing The Sale Of 64 And 70 North Washington Street To Further The Cascade Area Urban Renewal Plan

Int. No. 293 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$236,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of Acquisition Of Realty Within The City's Cascade Urban Renewal Area

Int. No. 196 - Amending The 1995-96, 1996-97, 1997-98 And 2001-02 Community Development Programs By Transferring Funds Within The Promoting Economic Stability Allocations, Amending Ordinances, Authorizing Agreements And Appropriating Funds, As Amended

The following entitled legislation is being held in committee:

Int. No. 288 - Amending The Municipal Code With Respect To Peeling Paint

Int. No. 289 - Amending The Municipal Code To Include 72-Hour Written Notice To Neighbors Before Onset Of Housing Renovations, Lead Abatement Work

Int. No. 290 - Resolution Requesting The Mayor To Re-Open Negotiations With The Monroe County Executive Regarding Move-In Move-Out Inspections To Include Wipe Tests

Int. No. 196A - Amending The 1995-96, 1996-97 And 1997-98 Community Development Programs By Transferring Funds Within The Promoting Economic Stability Allocations, Amending Ordinances, Authorizing Agreements, And Appropriating Funds

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-233
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of four properties. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years. The first property is a structure that was sold at public auction. The purchaser will be required to complete the rehabilitation within nine months of closing.

The next property is a structure that was sold at an owner occupant auction. The purchaser will be required to rehabilitate the property within 18 months of closing and to occupy it for a minimum of five years.

The next property is a 15' portion of a vacant lot. The purchasers will utilize the land for a driveway expansion and combine it with their adjoining property. The remaining portion of the parcel is a buildable lot that is reserved for the Home Expo Program.

The last property is an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The parcel is considered unbuildable due to the size.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-90

Ordinance No. 2004-233
(Int. No. 256)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of improved property by regular auction:

Address: 162 Kenwood Av.
S.B.L. #: 120.58-2-78
Legal Use: 1 Family
Price: \$16,500
Purchaser: J. Paul Dhillon

Section 2. The Council hereby further approves the sale of the following parcel of improved property by owner occupant auction:

Address: 48 Rogers Av.
S.B.L.#: 105.57-1-53
Legal Use: 1 Family

Price: \$12,100
 Purchaser: Sherry Dendron

Section 3. The Council hereby further approves the negotiated sale of the following parcel of vacant land:

Address: Pt. of 8 LaForce St.
 S.B.L.#: Pt. of 106.30-2-21
 Sq. Ft.: 1442±
 Price: \$150
 Purchaser: Luciano & Aida Figueroa

Section 4. The Council hereby further approves the negotiated sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

Address: 38 Dale St.
 S.B.L.#: 106.30-1-25
 Sq. Ft.: 5325±
 Purchaser: Annie L. Manigoult

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-234
 Re: Homebuyer Assistance Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Homebuyer Assistance Program. This legislation will:

1. Appropriate \$300,000 from the 2003 HOME Program to finance the continuation of the program; and
2. Authorize any necessary agreements for program implementation.

The Homebuyer Assistance Program provides financial assistance of up to \$6,000 to families with low or moderate incomes who purchase houses through the Housing Initiative, as described in the Consolidated Community Development Program. The financial assistance may be used for closing costs and/or down payment assistance.

A recipient of assistance is required to provide a five-year promissory note. If the recipient continues to reside in the house and the property is not resold during this period, the note expires.

Since the inception of the program in September 1993, \$2,525,908 has been disbursed or committed to 461 homebuyers. The total unencumbered balance of prior appropriations is \$139,433; of this amount, \$36,326 is limited to households whose income is between 80% and 100% of Median Family Income (MFI) for the Metropolitan Statistical Area.

The most recent appropriation of funds for the continuation of the program was on April 8, 2003, when Council appropriated \$350,000 from the HOME program for buyers whose income does not exceed 80% of MFI.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2004-234
 (Int. No. 257)

Appropriation Of Funds - Homebuyer Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$300,000, or so much thereof as may be necessary, is hereby appropriated from 2003 HOME Program Funds to fund the Homebuyer Assistance Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Homebuyer Assistance Program.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-235
 Re: Agreements - Landlord and Tenant Services

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation that will:

1. Appropriate \$163,000 from the Housing Stock and General Property Conditions/Landlord Tenant Services allocation of the 2004-05 Community Development Block Grant; and
2. Authorize agreements with the following organizations for the continued provision of services to landlords and tenants.

Organization	Amount
Housing Council in the Monroe County Area, Inc.	\$70,000
Legal Aid Society	70,000
Monroe County Legal Assistance Corporation	23,000

According to the 2000 census, there are approximately 89,000 occupied housing units in the city. Of this number, approximately 60% are rental units. The City provides funding to these programs which are designed to enhance landlords' and tenants' awareness of their respective responsibilities, to encourage improved rental property management and to reduce vacancies and evictions. The most recent agreements were authorized by City Council Ordinance 2003-168

on June 17, 2003.

A summary of the performance between July, 2003 and April, 2004 appears below.

<u>Agency</u> <u>Program</u>	10-Month Actual	2004-05 Goal*
<u>Service</u>		
Housing Council		
Landlord Tenant Services		
Seminars	6	6
Seminar Attendance	125	120
Counseling Capacity	-	4,140
A. Hotline Calls	7,500	
B. 1-1 Assistance	550	
Legal Aid Society		
Owner Tenant Mediation		
A. Mediation Total	54	12
1. Agreements	11	-
2. Technical	43	-
Service	50	24
B. Court Advocacies**		
MCLAC		
Legal Services for Tenants		
Client Cases	70	60

* Minimum capacity established for consultants

** The City's agreement supplements United Way funds for this service. Approximately 12% of the advocacy caseload (431+) is supported by this allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-91

Ordinance No. 2004-235
(Int. No. 258)

Authorizing Agreements For Landlord And Tenant Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for Landlord and Tenant Services:

<u>Organization</u>	<u>Amount</u>
Housing Council in the Monroe County Area, Inc.	\$70,000
Legal Aid Society	70,000
Monroe County Legal Assistance Corporation	23,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$163,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-236
Re: Fair Housing - Electronic Resource Center - Agreement with Public Interest Law Office of Rochester

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation that will:

1. Appropriate \$10,000 from the 2004-05 Community Development Block Grant (Improve the Housing Stock/Fair Housing); and
2. Authorize an agreement with the Public Interest Law Office of Rochester (PILOR), 80 St. Paul Street, Rochester, relating to the continued operation and maintenance of the website which is the Community Choice/Fair Housing Electronic Resource Center.

The Electronic Resource Center is a continually updated Housing Choice website featuring articles and a calendar of fair housing events.

The most recent agreement for \$10,000 was approved by Council on August 28, 2003. An element of the Community Choice Action Plan (adopted in April 1998), the site has been operational since August 2000.

The site contains the following features:

Information	The website is designed to help the visitor learn about fair housing, including local fair housing initiatives.
"What's New"	This feature offers recent news stories from local, state and national sources.
Resource Locator	Provides practical information on private housing resources, including providers of mortgage financing, real estate services and housing assistance. This information is updated regularly. Links also are provided to other housing websites.
Communications	E-mail updates are sent to 126 community advocates, bankers and other industry individuals listing the new items on the What's New page. A current events calendar is updated monthly.

Use of the site continues to increase. During the first 11 months of the agreement term, the site has increased its average number of hits per month by 78% (from 5,492 to 9,802). Hits represent the total number of requests made to the server during a given time period. The average number of visits per month increased by 115% (from 1703 to 3667). A visit is

counted when a remote site makes a request for a page on the server for the first time.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-236
(Int. No. 259)

Appropriating Funds For The Community Choice/Fair Housing Website

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program to fund the Community Choice/Fair Housing Website operated by the Public Interest Law Office of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-237
Re: Agreement - Arbitration and Dispute Resolution Services for City Housing Programs - Center for Dispute Settlement, Inc.

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement for \$10,000 with the Center for Dispute Settlement, Inc. and appropriating \$10,000 of the 2004-05 Community Development Block Grant (Improve the Housing Stock and General Property Conditions Allocation).

The City's rehabilitation and affordable housing programs are subject to occasional disputes concerning the type, quality and cost of construction. Historically, most of these disputes have involved property owners and contractors and involve disputed amounts of less than \$5,000.

To ensure objectivity in such disputes and relieve the Department of Community Development of the often time-consuming responsibility for resolving them, this service has been in use since 1978. The Center for Dispute Settlement has been the provider since that time.

The most recent agreement was authorized by Council on March 23, 2004 and provided funds to extend the services through June 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-92

Ordinance No. 2004-237
(Int. No. 260)

Appropriating Funds For Housing Program

Arbitration Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program to fund the resolution of disputes resulting from the use of the City's Affordable Housing Rehabilitation and Construction Programs to be provided by the Center for Dispute Settlement, Inc.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-238
Re: CDBG Appropriation - Neighbors Building Neighborhoods (NBN) Program

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation appropriating \$75,000 of the 2002-03 Community Development Block Grant (Support the Neighbors Building Neighborhoods Strategy) and authorizing any necessary agreements for program implementation.

The NBN planning process was initiated in 1993 and resulted in the development of 10 unique sector plans that outline the sector area community goals, strategies and action plans to achieve those goals. In the current NBN4 process, the sector committees continue to implement their plans and engage in a Participatory Evaluation of the entire NBN Process. Over the last ten years, sector committees have participated in several planning processes to update the plans. Since the inception of NBN an average of 76% of each plan's activities have been completed.

The proposed appropriation will be used to support the continuation and marketing of these activities, including administrative costs related to NBN committees, NBN NeighborLink Network Site support and materials, and funding for implementation of projects and activities in the Sector Action Plans for which other resources are not available.

Sector planning committees	\$50,000
Promotion and advertising	25,000
Total	\$75,000

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-93

Ordinance No. 2004-238
(Int. No. 261)

Appropriating Funds And Authorizing Agreements For The Neighbors Building Neighborhoods Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2002-03 Community Development Program the sum of \$75,000, or so much thereof as may be necessary, to support the Neighbors Building Neighborhoods Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of this Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 6
Re: NYS Empire Zone

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving a revised boundary description for the City's Empire Zone.

Under State law, municipalities may designate areas of up to two square miles or 1280 acres in which incentives may be provided to businesses that relocate to or expand within these areas. Incentives include state tax credits and exemptions, reduced utility rates and, at the option of the municipalities, local sales tax exemptions.

The City's zone was established by the City Council on February 15, 1994. The boundaries of the zone have been revised by Council several times, including in October 1994, July 1997, December 2000, May 2001, August 2001, May 2002, and April 2003. The present zone contains approximately 1262 acres.

This legislation will remove approximately 141 acres of undevelopable parcels including, but not limited to, city owned parcels (fire stations, parking garages), railroad properties, schools, churches and residential properties. Deleting these areas will allow the addition of several expanding businesses that have requested inclusion within the Empire Zone.

The new inclusions (39 acres) will bring our net total Empire Zone acreage to approximately 1160 acres. The remaining unallocated 119 acres will be subject to Chapter 84 of the Laws of 2002 (NY State) which requires 75% of the final designation be in no more than three noncontiguous areas.

Attached are a summary of the proposed projects and the legal description of the revised Empire Zone boundaries.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-94

Local Law No. 6
(Int. No. 262)

Local Law Revising The Boundaries Of The

New York State Empire Zone

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The boundaries of the New York State Empire Zone are hereby amended by deleting certain undevelopable lands, and by adding new parcels so that the boundaries include all of the parcels set forth in the schedule on file with the City Clerk which is incorporated herein and adopted.

Section 2. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development revise the boundaries of the City of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-20
Re: Appointments - Cultural
Center Commission

Transmitted herewith for your approval is a resolution appointing the following persons to the Cultural Center Commission:

James Undercofler Salvatore A. LaBella
145 Gibbs Street 110 Shingle Landing Dr.
Rochester, N.Y. 14605 Rochester, N.Y. 14609

The members of the Cultural Center Commission are jointly appointed by the City Council and Monroe County Legislature. The proposed new members offer a blend of backgrounds and talents that should serve the Commission well. Mr. Undercofler is the Director of the Eastman School of Music; he will replace William G. Coppard, who has resigned. Mr. LaBella is the CEO of LaBella Associates, an architectural and engineering firm with offices in High Falls.

These appointments will expire on September 30, 2007. Following City Council action, this legislation will be transmitted to the County Legislature for their consideration. Copies of both resumes are on file in the City Clerk's Office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2004-20
(Int. No. 287)

Resolution Approving Appointments To The Cultural Center Commission

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of the following persons to the Cultural Center Commission for terms that shall expire on September 30, 2007:

James Undercoffer Salvatore A. LaBella
 145 Gibbs Street 110 Shingle Landing Dr.
 Rochester, N.Y. 14605 Rochester, N.Y. 14609

Section 2. This resolution shall take effect immediately.

Adopted unanimously.
 TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-239
 Re: Agreement - Housing Council in the
 Monroe County Area, Inc., Mortgage
 Default Resolution

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation that will:

1. Authorize an agreement for \$275,000 with the Housing Council in the Monroe County Area, Inc., a not-for-profit corporation, for the continued provision of mortgage default resolution services,
2. Appropriate \$200,000 from the 2004-05 Community Development Block Grant allocation for Improve the Housing Stock and General Property Conditions Mortgage Default Resolution, and
3. Re-allocate and appropriate \$75,000 of Community Development Block Grant (Improve the Housing Stock and General Property Conditions allocation) funds as follows:

Community Development Plan Source	Amount	Program Year
Rental Property Improvement Program	\$45,923	2000-01
Rehab Rochester	11,037	2002-03
Housing Development Support	18,000	2003-04
Mortgage Default	40	2003-04

The Housing Council has provided mortgage default resolution services since 1975 and has administered the program with mortgage relief grants since 1990. The current agreement for provision of these services was authorized by City Council on June 6, 2003.

Following is a summary of the Housing Council's recent performance through April, 2003.

	10 Month Planned	10 Month Actual
Counseling Cases	223	223
Mortgage Relief Grants	12	13

During this period, 95% of the cases resulted in the prevention of foreclosures. The counseling and resolution process includes household budget and income analyses as well as negotiation with mortgage lenders and other parties such as HUD/FHA to arrive at appropriate resolutions. Resolutions may include refinancing, negotiated repayments, sale, or use of grants for eligible clients.

The proposed agreement will provide for continuation of these services during 2004-05. Of the total cost of the agreement, \$25,000 will be budgeted for mortgage relief grants. The maximum grant is \$2,500 which is secured with a five-year lien against the property.

The grants are intended to prevent mortgage foreclosure in emergencies for home owners who are likely to resume monthly payments. Grant eligibility depends on:

1. Owning and residing in a one- or two-family house.
2. A family income at or below 80% of Median Family Income for the Rochester MSA.
3. Financial difficulties and potential mortgage default due to circumstances beyond the control of the family, such as unemployment or unforeseen medical expenses.
4. Ability to demonstrate that these financial difficulties are likely to be temporary.
5. Participation in the mortgage default counseling and resolution process provided by the Housing Council.
6. Contribution of personal funds when possible.

A public hearing is required.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2004-239
 (Int. No. 263)

Amending The 2000-01, 2002-03 And 2003-04 Community Development Programs By Transferring Funds And Authorizing An Agreement For Mortgage Default Resolution Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 2000-01, 2002-03 and 2003-04 Community Development Program Plans are hereby amended within the Improving the Housing Stock and General Property Conditions Allocations (with Program years noted) by transferring the sum of \$45,923 from the Rental Property Improvement Program Account (2000-01), \$11,037 from the Rehab Rochester Account (2002-03) and \$18,000 from the Housing Development Support Account (2003-04) to accounts for Mortgage Default Resolution Services.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the continued provision of mortgage default resolution services and counseling and continued administration of the Mortgage Default Resolution Program.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$275,000, and of said amount, or so much thereof as may be necessary, \$45,923 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2000-01 Community Development Program, \$11,037 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-

03 Community Development Program, \$18,040 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program and \$200,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory Nos. 288, 289, And 290
Re: Legislation Designed to Identify
Potential Lead Problems Before
Children are Poisoned

R2010: Campaign 3 - Health, Safety,
and Responsibility

Transmitted herewith for your approval are three pieces of legislation intended to assist residents to pro-actively address lead poisoning in children:

1. Amending the Municipal Code With Respect to Peeling Paint
2. Notice to Neighbors before Onset of Housing Renovations, Lead Abatement Work
3. Resolution directing the Rochester City Mayor to Re-Open Negotiations with the Monroe County Executive Re: Move-In Move-Out Inspections to Include Wipe Tests

In May 2003, I submitted legislation intended to address deteriorating lead-based paint in pre-1978 housing. This legislation was held in the Housing and Economic Development Committee (Int. 239, Amending the Municipal Code With Respect to Peeling Paint) in anticipation of more far reaching proposals from the Administration. The legislation was based on the fact that housing is the chief source of childhood lead poisoning, and that residents would be encouraged to safely remove lead-based paint from their homes. Since I first introduced this legislation, 1,019 more children in Monroe County have been lead poisoned at blood levels of ≥ 10 mcg/dl. Of those children, 950 reside in the City of Rochester. Alarmingly, 76 of those 950 city children registered at ≥ 20 mcg/dl.

Because lead-based paint is a major source of lead poisoning in children, as well as adults, the Environmental Protection Agency (EPA) banned the addition of lead to paint in 1978. According to the 2000 Census, the city of Rochester contains 95,362 housing units built prior to 1979, out of a total 99,820 units, or 96%.

The second piece of legislation involves a proposed amendment to Section 90-14 of the Municipal Code, Property maintenance, to require 72-hour written notice to neighbors prior to internal/external sanding, other renovations that could promote dust and debris potential and when lead abatement is being performed on their property if the structure was built before 1979.

"Neighbors" shall include occupants of multiple dwellings and other occupied structures.

The disturbing of lead paint via sanding or scraping can release toxic dust into the environment. Hiring a professional contractor, who is certified in lead abatement procedures per HUD regulations, may be the best way for residents to ensure lead-safe work practices are followed. However, even with professionals adhering to lead-safe work practice regulations, not all dust is contained. Notification of lead abatement/renovation processes would allow residents to take responsible measures in helping to protect the health and safety of their neighbors.

Lastly, transmitted herewith for your approval is a Resolution requesting the Mayor to re-open negotiations with the Monroe County Executive regarding Move-In, Move-Out Inspections to include wipe tests. Both Mayor Johnson and Monroe County Executive Brooks have publicly committed to pursue this remedy as a means to better identify safer housing for public assistance recipients. It should be the policy of this Council to expedite the specifics of this preventative measure.

Lead poisoning in children is preventable, and time is of the essence. While we prolong reviewing protocols to address lead poisoning, our children continue to suffer the consequences. While we have been discussing approaches, 950 children in the City of Rochester were poisoned during the past year, 76 of them severely. This is clearly unacceptable.

The City of Rochester has taken a leadership role, together with the Coalition to Prevent Lead Poisoning (CPLP) to address the prevention of lead poisoning in children. While combating lead poisoning in children takes a multi-faceted approach, this legislative package provides steps that we can enact now as a responsible city government that encourages proactive responses to this public health crisis.

Respectfully submitted,
Tim O. Mains
Councilmember-at-Large

Introductory No. 288

AMENDING THE MUNICIPAL CODE WITH RESPECT TO PEELING PAINT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 90-14 of the Municipal Code, Property maintenance, as amended, is hereby further amended by adding thereto a new subsection A (1) to read in its entirety as follows:

- (1) Peeling paint in the interior of a dwelling constructed prior to 1978 shall be considered a health and safety violation

Section 2. This ordinance shall take effect immediately.

Item held.

Introductory No. 289

AMENDING THE MUNICIPAL CODE TO INCLUDE 72-HOUR WRITTEN NOTICE TO NEIGHBORS BEFORE ONSET OF HOUSING RENOVATIONS, LEAD ABATEMENT WORK

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 90-14 of the Municipal Code, Property Maintenance, as amended, is hereby further amended by adding thereto a new subsection A (2) and (3) to read in its entirety as follows:

- (2) 72-Hour written notice to neighbors is required prior to performing housing renovations; including sanding, repainting, and lead abatement processes in structures built before 1979. Neighbors shall include occupants of multiple dwellings and other occupied structures within 300 feet of the property line.
- (3) The Administration shall prepare sample notification letters and make them available on demand at no cost to the public.

Section 2. This ordinance shall take effect immediately.

Item held.

Introductory No. 290

RESOLUTION REQUESTING THE MAYOR TO RE-OPEN NEGOTIATIONS WITH THE MONROE COUNTY EXECUTIVE REGARDING MOVE-IN MOVE-OUT INSPECTIONS TO INCLUDE WIPE TESTS

WHEREAS, Rochester City Mayor William A Johnson, Jr., and Monroe County Executive Maggie Brooks publicly committed to proactively work toward the prevention of childhood lead poisoning; and

WHEREAS, Rochester City Mayor William A Johnson, Jr., and Monroe County Executive Maggie Brooks have acknowledged that the highest percentage of lead-poisoned children reside in public assistance-supported housing; and

WHEREAS, the City-County Move-In, Move-Out inspection process can introduce wipe tests as a means to better identify safer housing for public assistance recipients; now

THEREFORE, BE IT RESOLVED by the City Council that the Council desires to shift public policy away from testing children to identify potential lead hazards and towards testing housing before children have been poisoned, and therefore

BE IT FURTHER RESOLVED, that the Council requests that the Mayor re-open negotiations with the County Executive to amend the Move-In, Move-Out contract to include lead wipe tests and any other lead identification and remediation procedures they deem appropriate.

This resolution shall take effect immediately.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-240
Re: Zoning Text Amendment

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Code, Chapter 120 of the City Code, by revising various sections of the text relating to zoning procedures, definitions, setbacks, design standards, non conformities and other requirements. The listing of proposed changes is attached.

The new Zoning Code was adopted on October 16, 2002 and went into effect on January 1, 2003. Since it went into effect, staff have identified Code provisions that are either unclear, erroneous or require reformatting. All of the proposed changes are technical clarifications of the text rather than substantive changes in content.

The City Planning Commission held an informational meeting on the amendments on May 19, 2004; two people spoke in support of the revisions and one person in opposition. By a vote of 4-0-0, the Commission recommended approval.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, as lead agency, issued a Positive Declaration on June 14, 1999 on the revision of the Zoning Code. A Draft Generic Environmental Impact Statement (DGEIS) and a Final Generic Environmental Impact Statement (FGEIS) were prepared, filed and accepted pursuant to the requirements of the State Environmental Quality Review Act and are applicable to these proposed revisions.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-240
(Int. No. 264)

Amending Chapter 120 Of The Municipal Code, The Zoning Code

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

- 1) Amend residential front yard requirements in §120-11C(1)(a)[1], §120-20C(1)(a)[1], §120-28C(1)(a)[1], and
 - C. Yard requirements.
 - (1) Residential uses.
 - (a) Front yards.
 - [1] Minimum front yard setback, principal and accessory uses and structures: where applicable, the average front yard depth of buildings on the two lots adjoining a property; or, the average front yard depth of buildings on the block frontage on which the property is located; or 20 feet. -but in no case larger than the average of the front yard depth of buildings on the two adjoining lots.
 - [2] Maximum front yard setback, principal uses and structures: where applicable, the average front yard depth of buildings of the two lots

~~adjoining a property; or the average front yard depth of buildings on the block frontage.~~

Renumber §120-11C(1)(a)[2], §120-20C(1)(a)[2], §120-28C(1)(a)[2].

~~[2]~~[3] Minimum front yard setback, attached garages: front yard of the principal use or structure plus 10 feet.

2) Amend the Village Center front yard requirements in §120-76C(3)(a)[1] and §120-77C(3)(a)[1]:

§120-76C(3)(a)[1][a] and §120-77C(3)(a)[1][a]

(3) Yard requirements.

(a) Residential uses.

[1] Front yards.

[a] Minimum front yard setback, principal use or structure: ~~where applicable, the average front yard depth of buildings on the two lots adjoining a property; or the average front yard depth of buildings on the block on which the property is located; or 20 feet, whichever is more, but in no case more than five feet larger than the average of the front yard depths of buildings on the two adjoining lots.~~

~~[b] Maximum front yard setback, principal uses and structures: where applicable, the average front yard depth of buildings of the two lots adjoining a property; or the average front yard depth of buildings on the block frontage.~~

Re-letter §120-76C(3)(a)[1][b] and §120-77C(3)(a)[1][b].

~~[b]~~[c] Minimum front yard setback, attached garages: the front yard of the principal use or structure plus 10 feet.

3) Amend the M-1 special permit regulations in §120-83A by adding additional uses:

Proposed §120-83A (10),(11), (12)and (13)

(10)	Amusement Centers
(11)	Community centers
(12)	Health clubs
(13)	Mixed Uses

4) Amend §120-131B Ancillary parking lots and garages to allow CPC to waive all setback, lot coverage and other requirements in their approvals:

B. Ancillary parking lots and garages shall be subject to all the provisions of §120-173, Off-street parking, ~~and all the lot, area, yard and bulk requirements of the applicable zoning district.~~

5) Amend §120-154 Vehicle service stations by amending §120-154E and adding §120-154H to allow the City Planning Commission to waive sign and all other requirements associated with the establishment of the use:

§120-154E

E. ~~Vehicle service stations shall be subject to~~ ~~In addition to~~ the sign restrictions out-lined in §120-177. ~~In addition,~~ when calculating

~~signage the square footage of signage for vehicle service stations, signage the square footage shall include all attached, and detached signage and window signs, canopy signs and graphics and signs on pumps.~~

§120-154H

~~H. Vehicle service stations shall be subject to the lot, area, yard and bulk requirements of the applicable zoning district.~~

6) To amend Design Standards relating to the use of EIFS §120-159A(1):

§120-159. Nonresidential building standards.

A. Building materials.

(1) Along street frontages, all exterior building walls and structures shall be constructed with durable materials such as masonry, stone, brick, finishing wood, stucco (EIFS) or glass. ~~Evidence shall be submitted that demonstrates that the exterior building material has sufficient impact resistance at the pedestrian level.~~

7) Amend Residential Building Standards in §120-160A and §120-160A(3):

§120-160A

A. Building context and compatibility. New infill single-family, two-family, attached dwelling units, and additions to such structures and accessory buildings shall be constructed to be generally compatible with other existing dwelling units or accessory buildings on the same block frontage within 200 feet. This provision shall be satisfied by constructing the subject dwelling unit or accessory building so that conformance with at least three four (4) of the following features

§120-160A(3)

(3) Building massing (e.g., ranch with two-story attached garage; two-story with attached garage; bungalow);

8) Amend §120-163A(1)(n) relating to locating accessory structures in the rear yard:

Proposed §120-163A(1)

A. For residential uses, the following accessory uses and structures are permitted:

(1) All detached accessory structures and uses, except for the driveway, accessory to a residential use, shall be located in the rear yard ~~and shall include including, but not limited to:~~

9) Amend spelling in §120-173B(3)(d) and (e):

§120-173B(3)(d) and (e)

(d) Analysis of existing ~~harking parking~~ parking conditions.

(e) The typical peak-to-daily demand of the ~~propose~~ proposed use.

10) To amend the off-street parking requirements

§ 120-173 C(2) and bicycle parking:

Proposed § 120-173 C(2) and (3)

~~(2) Multiple uses: When a grouping of three (3) or more of the above uses occupy a single parcel, a parking demand analysis may be provided for a determination by the Director of Zoning of the required parking.~~

~~(2) (3) Bicycle parking. Bicycle parking shall be provided at equal to 10% of the vehicle parking requirements for the property, but not less than for a minimum of two bicycles, for all multifamily housing (over 10 units), commercial and industrial uses.~~

- 11) Amend § 120-173F(1)(e) relating to the height of parking lot fencing:

§ 120-173F(1)(e)

~~(e) Parking for nonresidential uses shall not be located within 10 feet of any residential district or use, except where a solid screening wall at least six (4) feet in height is placed on the lot line with vehicle stops or a bumper to ensure the integrity of the fence, in which case no setback shall be required.~~

- 12) Amend § 120-173F Design and Maintenance for vehicle parking:

Add to § 120-173F(1)

~~(b) In addition to the requirements of this section, parking shall be subject to the lot, area and yard requirements of the applicable district. In cases where the provisions of this chapter impose differing restrictions, the greater restrictions shall apply.~~

Re-letter § 120-173 F(1) (b) through (h).

- 13) Add parallel parking to the chart in § 120-173F(3)(a):

(a)	Type of Parking	Parallel
	Angle	NA
	Stall Length	24'00"
	Stall Width	8'00"
	Aisle Width	NA

- 14) Amend § 120-173F(2) by adding requirements relating to perimeter landscaping:

§ 120-173F(2)

~~(b) All front yard perimeter landscaping shall include concrete, masonry or metal barriers to contain and/or protect landscaping materials.~~

Re-letter § 120-173F(2)(b) through (h) as (c) through(i).

- 15) Amend the sign regulations in § 120-177D by adding PD Districts:

District	Permitted Signs
R-3, and C-1, C-2,	A maximum of 50 square feet of signage per lot
H-V, and PMV and PD's	including:

- 16) Revise the procedures in § 120-188J, K and K(2) (a) and (b) for consistency:

§ 120-188J, K and K(2) (a) and (b)

~~J. Notification for matters Matters not requiring informational meetings or public hearings.~~

~~K. Notification for informational meetings.~~

~~(2) Notice shall be made to the official neighborhood contacts and/or adjacent property owners as follows: Notification~~

~~(a) Mailed notice. Within 10 business days of receipt of the complete application, the Director of Zoning shall notify all property owners, both within and outside the municipal boundaries of the City of Rochester, within 300 feet from the property line and the official neighborhood contacts. For applications for Comprehensive Plan or text amendments, notice shall only be made to the official neighborhood contact.~~

~~(b) Posted notice. The Director of Zoning shall cause notice for such meetings to be placed in an official newspaper or a newspaper of general circulation in the City at least once, not more than 30 nor less than 10 business days before the date of the meeting.~~

- 17) Amend § 120-188L(3)(d)[3] relating to posting a sign for public hearings:

~~[3] Where such posting is required, an affidavit of compliance with posting requirements shall be filed verified by the applicant prior to or at the hearing in the form of an affidavit or in testimony under oath.~~

- 18) Correct § 120-189D:

§ 120-189D

~~D. Certificate of Zoning compliance required.~~

- 19) Amend § 120-191A(4)(c) [8] by adding central air conditioning units to the listing of administrative adjustments and § 120-194A(4)(d) relating to Preservation Board approval of such:

Proposed § 120-191A(4)(c) [8]

~~[7] The Director of Zoning shall have the authority to approve an administrative adjustment for central air conditioning units and the like in the side yard.~~

~~[a] A proposed unit shall be reviewed to ensure that the installation will not have a detrimental impact on the adjacent properties. Such review shall include an evaluation of the following:~~

~~[i] Neighborhood characteristics, based both on a physical evaluation of the streetscape and comments received from the neighborhood.~~

~~[ii] Sound attenuation measures per § 120-171.~~

~~[iii] Screening~~

~~[iv] Impact on the historic and/or architectural integrity of the streetscape.~~

~~[b] When located in a preservation district, the Preservation Board shall have the authority to issue a certificate of appropriateness for side yard installations as outlined in §120-194. In such cases no administrative adjustment shall be required. The Preservation Board shall apply the above-listed standards.~~

- 20) Amend §120-191 relating to Certificates of Non-conformity:

§120-191B(2)

- (2) Purpose. The certificate of nonconformity shall establish the legality of nonconforming uses, structures, lots and signs established prior to the effective date of this chapter that do not conform to the regulations of this chapter applicable in the zoning districts in which such nonconformities are located. When necessary to establish the legality of a nonconformity, a certificate of nonconformity shall be required for any nonconforming use, structure, lot and sign in the City of Rochester prior to the approval of additional zoning applications that may be required.

- 21) To amend §120-191B(3) to clarify the criteria used for determining the intensity of a nonconforming use:

§120-191B(3) Criteria for determining intensity of use

- (3) Criteria for determining intensity of use. In addition to the provisions of the zoning district which would first permit the establishment of a particular use as of right, the Director of Zoning shall also consider the following in determining the intensity of a use as may be required by the regulations of this chapter pertaining to nonconformities. [Amended 6-17-2003 by Ord. No. 2003-183]

- 22) Amend reference in §120-191B(4)(c)[1]:

- [1] Reestablishment of a use that is of the same or less intensity than the abandoned previous use in a structure not designed for a permitted use and as defined in Article XXIV. In addition to the standards set forth in §120-193 §120-192 B (3),....

- 23) Amend Site Plan Review Thresholds in §120-191D(3)(a) by excluding residential front porch enclosures from requiring site plan review:

§120-191D(3)(a)[1]

- [1] Applications that do not meet the City-wide design standards set forth in this chapter excluding those applications that do not meet the residential building standards set forth in Section 120-160 B and C.

- 24) Grammatical correction of Section 120-191D(4)(l):

§120-191D(4)(l)

- (l) The proposed structure unnecessarily, and in specified particulars, are is lacking amenity in relation to or are incompatible with, nearby structures and uses.

- 25) Amend §120-192B(2) purpose statement for special permits:

- (2) Purpose. The special permits procedure is intended to provide a means to establish are

- 26) Reformat landmark designation procedures in §120-193A(3) and (4):

Proposed §120-193A(3)(a) and (b):

- (3) Landmark designation standards. ~~for Preservation Board~~ No structure, improvement, landscape feature or cultural site in the City shall be designated a landmark pursuant to the provisions of this section unless it shall have the potential to provide cultural and civic benefits for the people of the City by reason of prevalence of one or more of the following standards:

(a) Preservation Board standards:

- ~~(a)~~[1] ~~The~~ Presence of significant character or historic or aesthetic interest or value as part of the maritime, architectural, economic or social heritage of the City, county, state or nation.

- ~~(b)~~[2] Identification with an historic person or event.

- ~~(c)~~[3] Embodiment of the distinguishing characteristic of an architectural style.

- ~~(d)~~[4] Significance as representative of the work of a master builder, designer, architect or landscape architect.

- ~~(e)~~[5] Significance as an established and familiar visual feature of the City because of a unique location or singular physical characteristic.

- ~~(f)~~[6] Relationship to a distinctive area of the City, lakefront or riverfront.

- ~~(g)~~[7] Presence or potential presence of information important to history or prehistory.

- ~~(h)~~[8] ~~Designation as eligible~~ Worthiness for inclusion or listed on the State or National Register of Historic Places.

~~(b) Landmark designation standards for the Planning Commission for applications that the Preservation Board has agreed to designate.~~

- ~~[1] The proposed designation will be in harmony with the City's Comprehensive Plan and overall planning program of the City.~~

- ~~[2] The proposed designation will not adversely impact the growth and development of the City.~~

- ~~[3] The proposed designation will not adversely impact any scheduled public improvement or renewal project.~~

Delete §120-193A(4)(d)[2]

- ~~[2] The Planning Commission shall conduct a public hearing on applications that the Preservation Board has agreed to designate. The~~

Planning Commission shall consider:

- ~~{a}~~ Potential impact of the designation upon the City's Comprehensive Plan and overall planning program of the City.
- ~~{b}~~ Whether the proposed designation would have an adverse impact upon the growth and development of the City.
- ~~{c}~~ Impact on any scheduled public improvement or renewal project.

Renumber § 120-193A(4)(d)[3] through [6] as [2] through [5].

- 27) Amend the Certificate of Appropriateness provisions in §120-194A(4)(d) to allow Preservation Board approvals for side yard installations such as air conditioning units.

§ 120-194A(4)(d)

- d) ~~The following shall require a Certificate of Appropriateness:~~ parking areas in the side and front yard shall require a Certificate of Appropriateness subject to the criteria set forth in §120-191A(4) and side yard air conditioning units and the like subject to the criteria set forth in §120-191A(4)(c)[8].

- 28) Amend prohibited variances in §120-195B(5)(e) relating to subdivision of parcels:

- e) Permit the creation of ~~a~~ an undeveloped lot or parcel with no preexisting principal structure(s) that cannot be developed in compliance with the zoning, subdivision and other regulations applicable thereto.

- 29) Clarify nonconforming use provisions in §120-199G(3)(a) and (b) relating to extending abandonment period:

§ 120-199G(3)

- (3) Prior to the expiration of a nine month period of abandonment or discontinuance, the owner of any nonconformity may apply to the Director of Zoning for a certificate of nonconformity to document the intent to discontinue a nonconforming use for a period in excess of nine months. ~~(a)~~ Such application shall be based on one or more of the following circumstances and shall include a plan and timetable for reuse or re-occupancy:

Re-letter §120-199G(3)[1] through [5] as(a) through (e)

~~H~~(a) Extensive rehabilitation of property.

~~{2}~~(b) Unique circumstances associated with repairs and alterations on designated landmarks or designated buildings of historic value.

~~{3}~~(c) Transfer of title delays caused by estate or probate issues.

~~{4}~~(d) Delay caused by serious illness or injury of any owner that may warrant special consideration on the basis of personal hardship.

~~{5}~~(e) Current and expected market conditions that impact the ability to reoccupy within the reoccupancy period for built-as nonresidential buildings.

Delete §120-199G(3) (b).

- ~~(b)~~ Any application for a certificate of nonconformity for which a use is determined to have been abandoned may be appealed to the Zoning Board of Appeals and may address the aforementioned personal and property circumstances.

- ~~(4)~~ Upon the expiration of a nine-month period of abandonment or discontinuance, the owner of any nonconformity may apply for a certificate of nonconformity, which, upon denial by the Director of Zoning, may be appealed to the Zoning Board of Appeals. The Zoning Board of Appeals may extend the period of abandonment or discontinuance if sufficient evidence is provided substantiating that the personal and/or property circumstances set forth in §120-199G(3) significantly affected the ability to reoccupy the property.

Renumber §120-199G(4) and (5) as (5) and (6)

- 30) Amend the following definitions in §120-208:

CHANGE OF USE - A transition to a use that is different, in terms of specific use type, than the use it replaces. Not included are changes in occupancy involving the same specific use or reductions in the number of dwelling units in a multiple family dwelling where there is not an increase in floor area, extension of use or addition.

HABITABLE FLOOR AREA - Floor area in a habitable space room shall have having a clear floor-to-ceiling height of not less than 7 1/2 feet over an area having no horizontal dimension of less than seven feet, except that, in one- and two-family dwellings having sloping roofs, the minimum ceiling height shall be 7 1/2 feet for at least 50% of the habitable floor area. Any area where the height is less than five feet shall not be considered "habitable floor area".

HABITABLE ROOM - Any room or enclosed space used or intended to be used for sleeping, living, cooking or dining purposes, excluding, however, kitchens having less than 60 square feet of floor area and further excluding such enclosed places as utility rooms, closets, pantries, bath or toilet rooms, hallways, cellars, storage spaces, garages and similar spaces. Dwelling units must contain at least one room with a minimum area of 150 square feet, with a minimum horizontal dimension of ~~10~~ 7 feet. Other habitable rooms, except kitchens, shall have a habitable floor area of 70 square feet.

NONCONFORMING USE - Any use lawfully being made of any land, building or structure, including an accessory use on the effective date of this chapter, or any amendment to it rendering such use nonconforming, which does not comply with all of the regulations of this chapter, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located. Nonconforming structures as defined by this chapter are excluded from this definition.

VARIANCE, AREA - A variance of any provision of this chapter relating to yard, bulk and space regulations, setbacks and sign requirements relating to size, height and setbacks; provided, however, that no variance which would allow

~~more than one dwelling unit in addition to the number that would be permitted by a strict application of such provisions shall be considered an area variance.~~

~~VARIANCE, USE - A variance of any provision of this chapter relating to uses of land or structures which may be permitted or specially permitted in any district established by this chapter and includes any variance of any provision of this chapter which would permit, on any lot or parcel, more than one dwelling unit in addition to the number that would be permitted by a strict application of such provisions. The standards established by this section with respect to use variances also apply to all applications to vary any standard established by this chapter concerning dwelling unit conversions.~~

YARD, FRONT - An open space extending the full width of the lot between a main front building line and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of the main front building line. On corner lots, the front yard shall be both any yards that fronts on the a streets. In the case of uses or parcels without a principal structure, the front yard shall be a line drawn parallel to a front lot line a distance equal to the depth of the required front yard setback.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Pritchard, Stevenson - 5.

Nays - Councilmember Curran - 1.

Councilmember Mains abstained vote because he did not have enough information on the legislation.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-241 And
Ordinance No. 2004-242
Re: Planned Development Amendment
Rochester General Hospital

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map and Text by:

1. Amending the district designation for Rochester General Hospital from Institutional Planned Development 11 (IPD#11) to Planned Development District 6 (PD #6);
2. To consolidate and reformat the existing IPD regulations;
3. To modify the existing regulations by increasing the Floor Area Ratio (FAR) allowance for Parcel B of the Planned Development District from .00 to .90.

These amendments have been requested by Rochester General Hospital in order to accommodate planned expansions. The Rochester General Hospital IPD District contains 47.11 acres and is comprised of

four parcels. To comply with Planned Development regulations, the four tax parcels are divided into three sub-areas identified as Parcels A, B, and C. Rochester General recently undertook an analysis of its services and future growth projections through the year 2011. They project an overall 17% increase in size and a 26% increase in on-site parking.

Most of the original regulations have been retained in the new PD District. A copy of the existing and proposed regulations is attached. The major change is the establishment of a Floor Area Ratio of .90 for Parcel B to allow for the construction of a 1250 space parking garage. Currently this area is developed with surface parking lots and has an FAR of .00, which does not allow for building construction.

At the June 21, 2004 Planning Commission informational hearing, four people spoke in support of the application; none spoke in opposition. The Commission recommended approval, 4-0-0.

Pursuant to the requirements of the NY State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, as lead agency, has determined that the proposal will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-95

Ordinance No. 2004-241
(Int. No. 265)

Changing The Zoning Classification Of Rochester General Hospital From Institutional Planned Development District #11 To Planned Development District #6-Rochester General Hospital

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the Rochester General Hospital property constituting Institutional Planned Development District #11 to Planned Development District #6-Rochester General Hospital.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-242
(Int. No. 266, As Amended)

Adopting Requirements And Standards For Planned Development District #6-Rochester General Hospital

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adopting the following requirements and standards for Planned Development District #6-Rochester General Hospital:

Planned Development District #6
Rochester General Hospital

A. Purpose: The Planned Development District #6 is intended to recognize and permit a defined area for the integrated development and delivery of programs and services offered by the Rochester General Hospital. The planned development district will allow the hospital to deliver its mission to provide nationally recognized community and healthcare services and a quality campus environment.

B. Permitted uses: Permitted uses include, but are not limited to, the following uses when consistent with the above purpose:

1. Hospitals, including their buildings, owned or leased, for medical, administrative, and faculty offices, and support facilities for the hospital, its employees, administrators, staff and students of such institution.
2. Offices
3. Clinics
4. Hospice
5. Nursing Homes
6. Day Care Center
7. Residential Care Facilities
8. Community Center
9. Public and Semipublic Uses
10. Warehouse, storage uses and maintenance facilities in existing buildings, when related to the purpose stated above.
11. Accessory support uses or structures, including office, retail, and restaurant facilities, bookstores, gift shops, when such support use or structure is physically integrated into the plan of the institution.

C. Bulk, space and yard requirements:

1. Maximum floor area ratio (FAR):

Parcel 'A'	1.20
Parcel 'B'	[0.90] <u>0.94</u>
Parcel 'C'	0.28

2. Maximum height: 120 feet
3. Minimum yard requirements:
 - a) Front yard
 - 1) Along Portland Avenue: 30 feet
 - 2) Along Keeler Street Expressway (NY 104): 20 feet
 - 3) Along Residential Neighborhoods to South: 20 feet
 - 4) Along Carter Street: 35 feet
 - b) Along Residentially-zoned properties: 20 feet

D. Building Standards:

The Planned Development shall be subject to the following design requirements:

1. 120-158A(1) requiring an active facade when a building facade is on a street frontage.
2. 120-158E. Mechanical and electrical equipment and open storage areas.
3. 120-159A. Building Materials.

E. Open Space:

The woodlot on Parcel B known as Buell's Woods shall be maintained in accordance with a City-approved management plan. That plan is available at the Hospital and in the PD #6 file in City Hall.

F. Off-street parking and loading requirements are set forth below:

1. Parking:
 - a. Parking for uses within the Rochester General Hospital Planned Development may be located anywhere within the District, except in the required front yards and within the Buell's Woods portion of the property.
 - b. Proposals for new or expanded parking facilities must be accompanied by a Parking Demand Analysis as set forth in Section 120-173B of the Zoning Code.
 - c. Parking shall comply with the parking lot design and maintenance standards set forth in Section 120-173F of the Zoning Code.
2. Loading:

Loading shall comply with the requirements set forth in Section 120-172 of the City Zoning Code.

G. Accessory Uses and Structures

Accessory structures and uses are permitted in connection with the established uses within the district and shall not be located in the required front yards.

H. This Planned Development is subject to the requirements set forth in Article XVII of the City Zoning Code regarding Planned Development Districts.

I. The General Height Exceptions set forth in Article XXIII shall apply.

J. Special Requirements.

Any proposed development within the Planned Development District #6-Rochester General Hospital resulting in development totaling less than that allowed by the current FAR will be required to obtain site plan approval from the City of Rochester. All other development shall be submitted for an amendment to the approved Planned Development District ordinance.
Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory Nos. 291, 292, And 293
Re: Real Estate Acquisition, Art Craft
Optical Building (85-89 Allen Street)

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban Neighbor-
hoods
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the redevelopment of the Art Craft Optical Building. This legislation will authorize:

1. The acquisition, by negotiation or condemna-
tion, of 64 North Washington Street;
2. The sale of 64 and 70 North Washington Street
to 85 Allen LLC for an amount not to exceed
\$210,000; and
3. A bond ordinance in the amount not to exceed
\$236,000 to fund the acquisition, closing, and re-
location costs for 64 North Washington Street.

The Cascade Area Urban Renewal Plan was approved by City Council on March 17, 1998. Under the proposed legislation, the City will acquire the private property located at 64 North Washington Street by negotiation or condemnation. The property has been appraised at \$196,000 by Pogel, Schubmehl & Ferrara, LLC. The City will relocate the equipment stored on 64 North Washington Street. The total estimated relocation cost is \$25,000; an additional \$15,000 will be required for closing costs.

The acquisition of 64 North Washington Street includ-
ing closing and relocation costs will be funded from
High Falls Business Park 2001-02 Bonded Debt. The
City will make adjustments to said purchase price for
necessary environmental remediation.

Sale

85 Allen LLC has proposed purchasing and renovating
the Art Craft Optical Building in the Cascade Urban
Renewal District at 85-89 Allen Street. 85 Allen LLC
has also proposed purchasing two adjacent properties
(64 and 70 North Washington Street) for surface park-
ing in support of the project.

64 North Washington Street is currently owned by
Thomas G. Slattery and 70 North Washington Street
is owned by the City of Rochester. Redevelopment of
the Art Craft Building is dependent on the control of
these parcels by 85 Allen LLC for dedicated parking
for the project.

To facilitate the Art Craft Optical project, the City will
sell the following parcels to 85 Allen LLC contingent
upon the purchase of Art Craft Optical Building.

Address	Price
64 North Washington Street	\$196,000
70 North Washington Street	14,000

The redevelopment of Art Craft Optical Building will
be a combination of market rate rental loft apartments
on floors 3-7 with office development on floors 1 and
2. There is a possibility that floor 2 could be used as
apartments, depending on the market demand for both
offices and apartments. Retail use of the building is
not anticipated. The total square footage of floors 1
through 7 is ±77,000 sq. ft. plus the basement, which

will be used for mechanical storage.

The type of apartments will be different than other
projects completed in the Center City as of this date.
The focus of apartments will be work/live lofts with
a primary emphasis on larger units, with open floor
plans. It is anticipated that 48 work/live lofts will
be created.

Adequate and secure parking is a key factor in the
success of this project. It is anticipated that a mini-
mum of 120 car parking spaces will be required to
support this project.

Proposed Source and Use of Funds by 85 Allen
LLC:

<u>Source of Funds</u>	
Bank financing	\$3,904,000
Equity	976,000
Total	\$4,880,000
<u>Use of Funds</u>	
Art Craft Bldg. Purchase	\$ 400,000
Slattery Land Purchase	196,000
City Land Purchase	14,000
Subtotal	\$610,000
Construction	\$3,750,000
Demolition/Ext Renovation	\$ 180,000
Soft Costs	240,000
Marketing, Advertising & Leasing	100,000
Subtotal	\$ 520,000
Grand Total	\$4,880,000

85 Allen LLC proposes the following project sched-
ule:

Closing	Sept 27, 2004
Planning & Pre Leasing offices	Oct 2004 - March 2005
Construction of offices and apartments	April - Dec 2005
Occupancy	January 2006

This building has been vacant for six years. It is the
key gateway linking the Cascade District and High
Falls. It is anticipated that 70 construction jobs will be
created and 60 employees will work in the building.

A public hearing regarding the property acquisition
is required pursuant to Eminent Domain Procedure
Law (EDPL).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Pritchard move to have Introductory
Nos. 291, 292, and 293 returned to committee.

The motion was seconded by Councilmember
Mains.

The motion was adopted unanimously.

Introductory No. 291

**AUTHORIZING THE ACQUISITION BY
NEGOTIATION OR CONDEMNATION OF 64
NORTH WASHINGTON STREET TO FURTHER
THE CASCADE AREA URBAN RENEWAL
PLAN**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of 64 North Washington Street, SBL #121.21-1-20, reputed owner, Thomas G. Slattery, to further the objectives of the Cascade Area Urban Renewal Plan.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$196,000, and said amount, or so much thereof as may be necessary, and necessary closing costs and relocation costs, shall be funded from a bond ordinance adopted for this purpose.

Section 3. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 4. This ordinance shall take effect immediately.

Item held.

Introductory No. 292

AUTHORIZING THE SALE OF 64 AND 70 NORTH WASHINGTON STREET TO FURTHER THE CASCADE AREA URBAN RENEWAL PLAN

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of 64 North Washington Street, SBL #121.21-1-20, and 70 North Washington Street, SBL #121.21-1-50, to 85 Allen LLC for the sum of \$210,000, to further the objectives of the Cascade Area Urban Renewal Plan.

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the date of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Item held.

Introductory No. 293

BOND ORDINANCE OF THE CITY OF ROCHESTER, NEW YORK, AUTHORIZING THE ISSUANCE OF \$236,000 PRINCIPAL AMOUNT OF BONDS OF SAID CITY TO FINANCE THE COST OF ACQUISITION OF REALTY WITHIN THE CITY'S CASCADE URBAN RENEWAL AREA

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of acquisition, including closing and relocation costs, of 64 North Washington Street, a portion of the City's Cascade Urban Renewal Area (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs inci-

dental thereto and the financing thereof, is \$236,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$236,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$236,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said acquisition for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 21 of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-243 And
Introductory No. 196A
Re: CDBG Appropriations: East Main
Street Assistance Program, West
Main Street Revitalization Pre-
Development, 108 Loan Loss Reserve

R2010: Campaign 6 - Economic Vitality
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the transfer of funds into existing Economic Development programs.

The legislation will:

1. Amend the 1996-97 and 2001-02 budgets by transferring \$250,000 from the following allocations of the Community Development Block Grant Program to the East Main Street Assistance Program and appropriate said funds;
2. Amend the 1996-97 budgets by transferring \$115,000 from the following allocations of the Community Development Block Grant Program to West Main Street Revitalization Pre- Development and appropriate said funds; and
3. Amend the 1995-96, 1996-97 and 1997-98 budgets by transferring \$188,963 from the Community Development Block Grant Program to 108 Loan Loss Reserve and appropriate said funds.

<u>Program Allocation</u>	<u>Amount</u>
<u>Program/Activity</u>	
1996-97 Promote Economic Stability Entertainment Dist. Equip.	\$150,000
2001-02 Promote Economic Stability Center City Special Projects	<u>100,000</u>
Total	\$250,000
1996-97 Promote Economic Stability Genesee Street Corridor	\$ 75,000

<u>Implementation</u>	
1996-97 Promote Economic Stability Lake/Monroe/Genesee Street Improvements	<u>40,000</u>
Total	\$115,000
1995-96 Promote Economic Stability Commercial Enhancement District	\$ 5,500
1995-96 Promote Economic Stability Parking Lot Development	63,000
1996-97 Promote Economic Stability Commercial Enhancement District	15,463
1996-97 Promote Economic Stability Parking Lot Development	75,000
1997-98 Promote Economic Stability Parking Lot Development	<u>30,000</u>
Total	\$188,963

The East Main Street Assistance Program provides low interest loans, grants, and interest subsidies to a targeted area around East Main Street in the Center City Core. City Council approved the program guidelines and appropriated approximately \$463,000 in December 2003. Under the existing appropriation, it is likely that only 2 - 3 projects could be undertaken. The additional appropriation will allow a total of 4 - 6 projects to be undertaken.

The reprogrammed dollars will be utilized for a variety of pre-development activities associated with the West Main Street Revitalization Project. These activities include, but are not limited to: urban renewal plans, condition analysis, environmental assessment forms, engineering studies and other associated feasibility reports.

A public hearing on these amendments is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 196 was introduced June 22, 2004 and appears in its original form on page 192 of the current Council Proceedings.

Ordinance No. 2004-243
(Int. No. 196, As Amended)

Amending The 1995-96, 1996-97, 1997-98 And 2001-02 Community Development Programs By Transferring Funds Within The Promoting Economic Stability Allocations, Amending Ordinances, Authorizing Agreements And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 1995-96, 1996-97, 1997-98 and 2001-02 Community Development Program Plans are hereby amended within the Promoting Economic Stability Allocations (with Program years noted) by transferring the sum of \$150,000 from the Entertainment District Account (1996-97) and \$100,000 from the Center City Special Projects Account (2001-02) to accounts for the East Main Street Assistance Program. The sum of \$75,000 shall be transferred from the Genesee Street Corridor Account (1996-97) and \$40,000 from the Lake/Monroe/Genesee Street Improvements Account (1996-97) to an account for the West Main Street Revitalization Program. [The sum of \$5,500 shall be transferred from the Commercial Enhancement District Account (1995-96), \$63,000 from the Parking Lot Development Account (1995-96), \$15,463 from the Commercial Enhancement

District Account (1996-97), \$75,000 from the Parking Lot Development Account (1996-97), and \$30,000 from the Parking Lot Development Account (1997-98) to 108 Loan Loss Reserve Accounts.] Ordinances appropriating such funds are hereby reduced in the amounts necessary to provide for these transfers.

Section 2. There is hereby appropriated from the Promoting Economic Stability Allocation of the 1996-97 Community Development Program the sum of \$150,000, and there is hereby appropriated from the Promoting Economic Stability Allocation of the 2001-02 Community Development Program the sum of \$100,000, or so much thereof as may be necessary, to fund the East Main Street Assistance Program.

Section 3. There is hereby appropriated from the Promoting Economic Stability Allocation of the 1996-97 Community Development Program the sum of \$115,000, or so much thereof as may be necessary, to fund the West Main Street Revitalization Program.

Section 4. [There is hereby appropriated from the Promoting Economic Stability Allocation of the 1995-96 Community Development Program the sum of \$68,500, and there is hereby appropriated from the Promoting Economic Stability Allocation of the 1996-97 Community Development Program the sum of \$90,463, and there is hereby appropriated from the Promoting Economic Stability Allocation of the 1997-98 Community Development Program the sum of \$30,000, or so much thereof as may be necessary, to fund the 108 Loan Loss Reserve Program.

Section 5.] The Mayor is hereby authorized to enter into such additional agreements as may be necessary to implement these programs.

Section [6] 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section [7] 6. This ordinance shall take effect immediately.

Underlined material added; bracketed material deleted.

Passed unanimously.

Introductory No. 196A

AMENDING THE 1995-96, 1996-97 AND 1997-98 COMMUNITY DEVELOPMENT PROGRAMS BY TRANSFERRING FUNDS WITHIN THE PROMOTING ECONOMIC STABILITY ALLOCATIONS, AMENDING ORDINANCES, AUTHORIZING AGREEMENTS, AND APPROPRIATING FUNDS

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The 1995-96, 1996-97, and 1997-98 Community Development Program Plans are hereby amended within the Promoting Economic Stability Allocations (with Program years noted) by transferring the sum of \$5,500 from the Commercial Enhancement District Account (1995-96), \$63,000 from the Parking Lot Development Account (1995-96), \$15,463 from the Commercial Enhancement District Account (1996-97), \$25,000 from the Parking Lot Development Account (1996-97), and \$30,000 from the Parking Lot Development Account (1997-98) to 108 Loan Loss Reserve Accounts. The sum of \$50,000 shall be transferred from the Parking Lot Development

Account (1996-97), to the Commercial Exterior Grant Program Account. Ordinances appropriating such funds are hereby reduced in the amounts necessary to provide for these transfers.

Section 2. There is hereby appropriated from the Promoting Economic Stability Allocation of the 1995-96 Community Development Program the sum of \$68,500, and there is hereby appropriated from the Promoting Economic Stability Allocation of the 1996-97 Community Development Program the sum of \$40,463, and there is hereby appropriated from the Promoting Economic Stability Allocation of the 1997-98 Community Development Program the sum of \$30,000, or so much thereof as may be necessary, to fund the 108 Loan Loss Reserve Program.

Section 3. There is hereby appropriated from the Promoting Economic Stability Allocation of the 1996-97 Community Development Program the sum of \$50,000, to fund the Commercial Exterior Grant Program.

Section 4. The Mayor is hereby authorized to enter into such additional agreements as may be necessary to implement these programs.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Item held.

By Councilmember Mains
July 27, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 267 - Authorizing Agreements For Human Services Projects

Int. No. 268 - Authorizing An Agreement For The BEST Program

Int. No. 269 - Authorizing An Agreement For A New Playground At The Adams Street Community Center

Respectfully submitted,
Tim O. Mains
William F. Pritchard
Benjamin L. Douglas
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-244
Re: Human Services Projects

R2010: Campaign 2 - Educational
Excellence
Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation

authorizing agreements with the following organizations for Human Services projects:

<u>Organization</u> Project	<u>Amount</u>
Academy for Career Development KidTech	\$49,000
YMCA of Greater Rochester Teen City Southwest	25,000

The above projects are both considered projects with matching funds and are eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981. The proposed agreements represent the second year of CDBG funding for the Kid Tech project and the third year for Teen City Southwest.

KidTech, designed for youths of low-income families, is a program to increase access to and knowledge of computer and internet applications. Training is provided by the Academy for Career Development at four sites.

Teen City Southwest, a YMCA program, is a center for community youth to gather with adult supervision. The goal is to support social skills while reducing anti-social behaviors.

The cost of these projects will be financed from the General Community Needs allocation of the 2004-05 Community Development Block Grant.

Project descriptions and budgets are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-96

Ordinance No. 2004-244
(Int. No. 267)

Authorizing Agreements For Human Services Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for human services projects in amounts not to exceed the following:

<u>Organization</u> Project	<u>Amount</u>
Academy for Career Development KidTech	\$49,000
YMCA of Greater Rochester Teen City Southwest	25,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$74,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-245
Re: Agreement - Basic Employability
Skills Training (BEST) Program

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement for \$125,000 with Career Systems Development for operation of the Basic Employability Skills Training (BEST) program.

Last summer, Career Systems was the successful bidder of the May 2003 Request for Proposal (RFP) to operate the BEST Program, moving it from an in-house, City-staffed program to align it with other workforce development efforts. Career Systems proposed to deliver the City of Rochester's BEST curriculum to adults in six-week cycles that address appearance, behavior, work, money management, and job retention.

To date, 48 participants have completed the program, and 38 have obtained employment. Of the 36 candidates who are still employed, 14 have completed 90 days on the job. The average hourly wage is approximately \$8.15/hr, with candidates employed in such fields as clerical/customer service, nursing, telemarketing, security, and injection molding.

The project is equally funded by Rochester Works!, Inc. (with Workforce Investment Act funds) and the City of Rochester (with CDBG funds).

The City's portion of this project will be financed from the General Community Needs allocation of the 2004-05 Community Development Block Grant.

A project description and budget are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-97

Ordinance No. 2004-245
(Int. No. 268)

Authorizing An Agreement For The BEST Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Career Systems Development for the Basic Employability Skills Training (BEST) Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$125,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-246
Re: Agreement - Cornhill Neighbors Association/Adams Street Community Center Playground

- R2010: Campaign 1 - Involved Citizens
- Campaign 3 - Health, Safety and Responsibility
- Campaign 4 - Environmental Stewardship
- Campaign 7 - Quality Service
- Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Cornhill Neighbors Association for the construction of a new playground at Adams Street Community Center.

Cornhill Neighbors will purchase playground apparatus and a safety surface for the Adams Street Community Center for an approximate cost of \$60,300.

The City of Rochester will fund site preparation as well as installation of the equipment at an approximate cost of \$25,000. The City's share will be funded from the Department of Parks, Recreation and Human Services Cash Capital allocation.

City staff have worked closely with the Cornhill Neighbors Association to accomplish this collaboration. The citizens of Cornhill Neighbors are to be commended for following through on their interest in their community and children.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-246
(Int. No. 269)

Authorizing An Agreement For A New Playground At The Adams Street Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Cornhill Neighbors Association for the construction of a new playground area at the Adams Street Community Center. The Cornhill Neighbors Association shall purchase new playground apparatus and a safety surface and donate them to the City. The City shall accept the new playground apparatus and safety surface, and provide the site preparation and installation.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Pritchard moved to discharge Intro-

ductory No. 175 from committee.

The motion was seconded by Councilmember Curran.

The motion failed due to lack of majority vote for a quorum.

Failed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Pritchard - 4.

Nays - Councilmembers Mains, McFadden, Stevenson - 3.

By Councilmember Stevenson
July 27, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 270 - Authorizing Agreements For The Brownfield Assistance Program

Int. No. 271 - Authorizing Agreements For Public Art At The Fast Ferry Terminal

Int. No. 272 - Authorizing An Agreement For A Harbor Master And For War Memorial Oversight And Amending The 2004-05 Budget

Int. No. 273 - Authorizing An Agreement With The MCWA For Water Testing Services

Int. No. 274 - Authorizing An Extension Of An Agreement For Water Automation System Services

Int. No. 275 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For Park Improvements

Int. No. 276 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Laser Equipment

Int. No. 277 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$264,900 Principal Amount Of Bonds Of Said City To Finance The Cost Of Certain Motorized Equipment For City Use

The Parks, Public Works & the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 278 - Local Improvement Ordinance - Establishment Of The South/Alexander Open Space Special Assessment District

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Adam C. McFadden
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-247

Re: Professional Services Agreement -
Brownfield Assistance Program

R2010: Campaign 4 - Environmental
Stewardship
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing professional services agreements for brownfield consulting services with the following companies:

- | <u>Company</u> | <u>Address</u> |
|---|---------------------------------|
| 1. Day Environmental, Inc. | 40 Commercial St., Rochester |
| 2. Lu Engineers | 2230 Penfield Rd., Penfield |
| 3. Stantec Consulting Group, Inc. | 85 Metro Park, Rochester |
| 4. LaBella Associates | 300 State St., Rochester |
| 5. Trittech Environmental Health and Safety | 1100 University Ave., Rochester |
| 6. Passero Associates | 100 Liberty Pole Way, Rochester |
| 7. ENSR International | 360 Linden Oaks, Rochester |

The selected companies will provide environmental assessments, investigations, and analyses under the City's Brownfield Assistance Program.

The cost of these agreements will be financed from a 2003 brownfield assessment grant from the United States Environmental Protection Agency Brownfield Redevelopment Initiative. A portion of the grant budget provides the City with \$100,000 for the Brownfield Assistance Program.

The program was developed as part of the City of Rochester's 1995 Brownfields Demonstration Pilot Project with the United States Environmental Protection Agency. The purpose of the City's BAP is to stimulate environmental investigation and testing of brownfield properties by private developers and business owners. Under the BAP, the Economic Development Department accepts applications from interested parties for environmental investigations of proposed redevelopment sites. After an application is approved by the Economic Development Department, the applicant selects one or more of the BAP consultants to develop a proposal for assessment, investigation, or work planning services. The Department of Environmental Services manages the site investigation process.

Under the BAP the applicant is responsible for paying a fee to the City equal to one third of costs of the investigation. BAP service agreements are executed that require the applicant to notify the City if it has terminated the proposed redevelopment project based on the environmental conditions found. If the City receives such a notice, the BAP fee will be waived. All investigation reporting remains the property of the City for use during future economic development planning. Program income from the fees paid to the City will be used for additional BAP projects.

Industrial and commercial sites are eligible if the interested applicant has a demonstrable industrial or commercial project which meets the City's economic development goals. Priority is given to projects located in areas of the City where significant public investment has taken place and in areas that the City

has targeted for revitalization.

Under the proposed agreement the following Phase I site assessment services may be provided:

1. A review of title and deed history records;
2. An examination of other public records, including aerial photographs, that may contain relevant environmental information;
3. An inspection of the property and observation of adjacent properties; and
4. The preparation of a report with recommendations based on the findings.

If requested by the applicant, additional Phase II level testing services may be provided as follows:

1. The performance of subsurface soil and groundwater testing;
2. The collection and analysis of wastes, soil, and groundwater samples;
3. Identification of remedial options; and
4. The preparation of a report documenting findings and recommendations.

In the three years since the BAP has been operational 12 assessments and investigations have been performed for seven applicants. Total BAP program costs are projected to be approximately \$125,000. The BAP has helped make successful redevelopment projects possible. Projects that were supported by the BAP included the Klein Steel and XLI Corporation redevelops on the former Emerson Street Landfill. This agreement will have an initial term of one year with provisions for annual renewals for an additional two year period based on mutual written agreement. Adjustment to the specific unit prices during the second and third year will be permitted subject to the City's approval.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-98

Ordinance No. 2004-247
(Int. No. 270)

Authorizing Agreements For The Brownfield Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for environmental site assessments, investigations and analyses as a part of the Brownfield Assistance Program:

- | <u>Company</u> | <u>Address</u> |
|-------------------------------|----------------------|
| Day Environmental, Inc. | 40 Commercial Street |
| Lu Engineers | 2230 Penfield Road |
| Stantec Consulting Group Inc. | 85 Metro Park |
| LaBella Associates | |

300 State Street
 Tritech Environmental Health and Safety
 1100 University Avenue
 Passero Associates
 100 Liberty Pole Way
 ENSR International
 360 Linden Oaks

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2003 Brownfield Assessment Grant Funds received from the United States Environmental Protection Agency.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-248
 Re: Port of Rochester/Fast Ferry
 Terminal Public Art

R2010: Campaign 6 - Economic Vitality
 Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing agreements with the following artists for installation of public art at the fast ferry terminal at the Port of Rochester:

1. Nick Agnello, 300 Pearl Street, Rochester, NY 14607, for three paintings depicting historic events in the amount of \$28,000;
2. Nancy Gong, 42 Parkview Drive, Rochester, NY 14625, for two stained glass windows in the amount of \$20,000;
3. Peter Macon, 83 Monroe Parkway, Rochester, NY 14618, for an exterior sculpture in the amount of \$35,000; and
4. Paul Knoblauch, 2369 Old Browncroft Boulevard, Rochester, NY 14625, for a weather-vane and exterior sculpture in the amount of \$65,000.

Proposals for public art were received on January 5, and April 12, 2004. More than 90 proposals from local artists were reviewed by a committee of nine members - two city staff and seven community members. Individual members reviewed each submission and then met as a whole to evaluate proposals and recommended 12 for final evaluation. Each finalist met with the selection committee to present more detail and to respond to questions and concerns from the committee.

The proposed four commissions which will cost \$148,000, will be financed from the 1999-2000 Cash Capital Allocation. Each commission will provide for design, manufacture, delivery and installation of the artwork. Liability for the artwork in progress will be born by the artist; the City will take ownership of the works upon installation. The art will be located to optimize public access and viewing.

The schedule for completion varies by artist, but it is anticipated that most of the works will be completed by October 1, 2004, and will be celebrated as part of the annual River Romance festivities.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2004-248
 (Int. No. 271)

Authorizing Agreements For Public Art At The Fast Ferry Terminal

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following artists in amounts not to exceed the following for the installation of public art at the Fast Ferry Terminal at the Port of Rochester:

Artist	Public Art	Amount
Nick Agnello	Three paintings of historic events	\$28,000
Nancy Gong	Two stained glass windows	20,000
Peter Macon	Exterior sculpture	35,000
Paul Knoblauch	Weather-vane & exterior sculpture	65,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$148,000, and said amount, or so much thereof as may be necessary, shall be funded from the 1999-2000 Cash Capital Allocation.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-249
 Re: Professional Service Agreement - Harbor
 Master and War Memorial Oversight
 R2010: Campaign 7 - Quality Service
 Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation:

1. Authorizing a one-year agreement for \$30,000 with Robert Whiting, 614 Beach Avenue, Rochester 14612, for services related to management of the Port of Rochester and the BlueCross Arena at the War Memorial; and
2. Amending the 2004-05 Budget by transferring \$15,000 from Contingency to the Budget of the Department of Parks, Recreation and Human Services.

Mr. Whiting served as Deputy Commissioner of the Department of Parks, Recreation and Human Services for the City of Rochester. His retirement from the City

is effective July 9, 2004. This agreement will be for one year beginning July 30, 2004.

The City is obligated under the lease with Canadian American Transportation Systems to designate a Harbor Master whose two primary responsibilities are 1) to act for the City in administering the terms of the lease agreement between the City and CATS, and 2) to coordinate the City, CATS and regulatory agencies on matters affecting general navigation. Additional responsibilities include: Coordinate maintenance, parking and traffic; participate in marketing the Port of Rochester to commercial and recreational vessels; and address other issues related to port management.

In his role as Deputy Commissioner with DPRHS, Mr. Whiting had responsibility as liaison with SMG, Inc. for operation of the BlueCross Arena at the War Memorial. Until a new Deputy is appointed and can assume this responsibility, Mr. Whiting will continue to provide oversight of the management agreement with SMG, Inc.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-249
(Int. No. 272)

Authorizing An Agreement For A Harbor Master And For War Memorial Oversight And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Robert Whiting to serve as the Harbor Master and to provide oversight of the BlueCross Arena at the War Memorial. Said amount shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$15,000 from the Contingency Account to the Department of Parks, Recreation and Human Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.
TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-250
Re: Inter-Municipal Cooperative Agreement with Monroe County Water Authority for Field Testing of the MCWA Water System

R2010: Campaign 5 - Regional Partners

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County Water Authority whereby the City will provide various field testing of master flow meters and other miscellaneous flow measurement services. On May 20, 2004, the Executive Director of MCWA signed the agreement authorizing MCWA to enter into an inter-municipal cooperation agreement with the City.

Under the proposed agreement the City will conduct tests and measurements on master flow meters and water mains at field locations designated by MCWA. Currently, MCWA has identified the need for 10 tests to be performed amounting to approximately \$3,500. These fees were based on the salaries for the positions of Managing Engineer/Water Design and Water Distribution Technician. Depending on the results of these tests, additional tests may be required for an additional fee.

The City possesses the personnel and resources to perform these tests and was solicited by MCWA for a proposal. The City was selected because of its low cost and physical proximity (no local consulting firms provide these services).

This agreement can be extended annually with written consent from both parties.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-250
(Int. No. 273)

Authorizing An Agreement With The MCWA For Water Testing Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Monroe County Water Authority (MCWA) whereby the City will provide field testing and flow measurement services for the MCWA water system. MCWA shall pay the City a fee to cover the cost of the services. The agreement may be extended annually.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-251
Re: Agreement Extension - Optimization Technology, Water Automation System
R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a one year extension to the agreement with Optimization Technology, Inc (OTI), 50 High Tech Drive, for additional services relating to enhancements and maintenance of control systems related to water treatment. The original agreement was for a maximum of \$80,000; no additional funds are requested.

The automation system is designed to control and monitor all processes at the Hemlock Lake filtration plant, the reservoirs and various other locations throughout the distribution system. OTI designed and upgraded much of the system under an agreement authorized by the City Council on December 5, 1998. It has provided on-going maintenance and support services under agreements authorized on September 19, 2000 and November 20, 2001.

The extension to the agreement is requested in order to allow OTI to provide expert guidance on selection of the proper replacements for several key electrical components known as variable frequency drives (VFD's). It is critical for efficient plant performance to have the right components specified. Installation of the improper VFD's can have a detrimental impact on pump motors as well as other plant electrical equipment.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-251
(Int. No. 274)

Authorizing An Extension Of An Agreement For Water Automation System Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an extension for one year of the agreement with Optimization Technology, Inc. for maintenance and support services for the water treatment control systems at the Hemlock Lake Filtration Plant, as approved by Ordinance No. 2000-302 and amended by Ordinance No. 2001-372.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-252
Re: Agreement - LaBella Associates, PC
RPR - Parks Projects

- R2010: Campaign 3 - Health, Safety and Responsibility
- Campaign 4 - Environmental Stewardship
- Campaign 7 - Quality Service
- Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement for \$60,000 with LaBella Associates, PC for resident project representation services.

\$36,000 for projects at Fourth & Peck Streets, Verona Street and Farmington Road parks will be financed from the proceeds of bond Ordinance 2004-112 authorized at the April, 2004 Council meeting. \$24,000 for projects at Dickinson Street Gateway (Carter Street Community Center), Hastings Street Gateway (Lower Falls), and Troup Street Parks will be financed from Cash Capital.

Typically resident project representation or inspection services for the construction of Parks projects are provided by either City personnel or private consultants on a project-by-project basis. During peak periods of the summer construction season sufficient City personnel are not available to inspect all of the projects. The proposed agreement will allow greater

flexibility in assigning consultants.

The term of this agreement will be for two (2) years.

Proposals from three firms were evaluated. LaBella Associates, PC was selected based upon their demonstrated skill and expertise, past performance and availability of personnel. Resident project representation services will be provided at rates of \$21.28 to \$28.75 per hour depending on the qualifications and experience of the inspector and on the scope of the project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-252
(Int. No. 275)

Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For Park Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C., for resident project representation services related to improvements to Fourth and Peck Park, Farmington Park, Verona Playground, Dickinson Street Gateway, Hastings Street Gateway and Troup Street Park. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$36,000 shall be funded from Bond Ordinance No. 2004-112 and \$24,000 shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-253
Re: Agreement - Stone Mt. Lighting Group

- R2010: Campaign 10 - Center City
- Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Stone Mt. Lighting Group for maintenance of the laser equipment at the High Falls laser facility and production of weekend thirty-minute light shows in the summer season. The total cost of this agreement will be \$60,000 and will be financed from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

The most recent agreement with Stone Mt. Lighting Group was authorized by City Council on July 22, 2003. The terms of the agreement remain the same.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-253
(Int. No. 276)

Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Laser Equipment

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stone Mountain Laser, Inc. for upkeep of the laser equipment at High Falls. Said amount shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-254
Re: Bond Authorization - Motor Equipment

- R2010: Campaign 3 - Health, Safety and Responsibility
- Campaign 4 - Environmental Stewardship
- Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$264,900 and appropriating the proceeds thereof to finance the cost of motor equipment replacements for the Department of Parks, Recreation and Human Services.

Funds for this purpose were originally in the 2003-04 Budget; however, in order to free up funding for the continuation of the Adopt-A-Block and graffiti removal programs, the Budget Bureau moved the Motor Equipment project from Cash Capital to Debt.

The Department of Parks, Recreation and Human Services annually evaluates the condition of its motor equipment in order to determine priorities for replacement. The funds will be used to purchase such equipment as large area mowers, ice resurfer and "quad cab" pick up trucks. These are necessary for the continued maintenance and care of parks, green space and ice rinks.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-254
(Int. No. 277)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$264,900 Principal Amount Of Bonds Of Said City To Finance The Cost Of Certain Motorized Equipment For City Use

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of acquisition of various

motorized vehicles, including lawn mowers, an ice resurfer and pick-up trucks, for use by Departments of the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$264,900, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$264,900 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$264,900 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said equipment for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 29 of the Law, is five (5) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 278
Re: Alexander Street and South Avenue
Open Space Maintenance Special
Assessment District

R2010: Campaign 7 - Quality Services
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the establishment of a special assessment district surrounding existing open space at 62 Alexander Street (at South Avenue and Alexander Street). This special assessment will finance the cost of maintenance of this property as developed open space.

The South Avenue and Alexander Street Green Space Enhancement project, a Sector Targeted Funding Initiative development, is intended to reconstruct the landscaped open space at the corner of South Avenue and Alexander Street into a fully accessible open space, meditation area and recreational space.

The assessments reflect annual maintenance costs of \$7,300, based on estimates obtained by the South Wedge Planning Committee (SWPC). These maintenance costs include grass cutting, trimming shrubs, watering, weeding, trash pick-up and removal, fall leaf clean-up and a reserve to pay for repairs to structures and pavement installed in the open space. The South Wedge Planning Committee will be responsible for property maintenance. The City will reimburse SWPC from the assessment fund upon submission of vouchers for maintenance expenses.

The assessment district will include 256 properties near the project site. The properties will be classified

into two tiers: 1) The Inner Ring to include a total of 58 properties on Alexander Street from S. Clinton Avenue to Mount Hope Avenue, and on South Avenue from Comfort Street to Hamilton Street, and 2) the Outer Ring of 198 properties south of Interstate-490 to the South Side of Hamilton Street between the West side of S. Clinton Avenue and the East side of Mount Hope Avenue.

The annual charges for maintenance for the open space will be apportioned among these properties based upon their assessed values (without consideration for any exemptions). The charges for properties within the Inner Ring will be 40 cents per \$1,000 of assessed property value while the charges for the Outer Ring will be 20 cents per \$1,000 of assessed property value.

The average annual assessment for Inner Ring properties is approximately \$50 and the average annual assessment for Outer Ring properties is approximately \$22.

Establishment of the district has been supported by 42% of the district property owners (25% is required by Code), including 52% of the Inner Ring and 39% of the Outer Ring. The petition containing the request is on file in the Office of the City Clerk.

The district would become effective July 1, 2005. The term of the district will be 10 years.

A public hearing concerning the establishment of the district is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Stevenson moved to return Introductory No. 278 to committee.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Introductory No. 278

**LOCAL IMPROVEMENT ORDINANCE
- ESTABLISHMENT OF THE SOUTH/ALEX-
ANDER OPEN SPACE SPECIALASSESSMENT
DISTRICT**

WHEREAS, the City-owned parcel at 62 Alexander Street will be developed as a landscaped open space, utilizing funds from the City through the Sector Targeted Funding Initiative program and funds from New York State, and

WHEREAS, the City wishes to assure the ongoing maintenance of such open space, and

WHEREAS, a substantial number of surrounding property owners have petitioned the City, requesting that a special assessment district be established to pay the annual maintenance costs,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the maintenance for a period of ten years of the landscaped open space at 62 Alexander St. (SBL #121.56-2-55), commencing upon the completion of such landscaping. Such maintenance shall include cutting grass,

trimming shrubs, watering, weeding, trash pick-up and removal, fall leaf clean-up, lighting, repairs to structures and pavement, a reserve for replacement, and other similar services deemed appropriate.

Section 2. The Council finds that the maintenance of the open space will benefit the parcels within a district described as follows: The Inner Tier of the district shall consist of properties fronting on South Avenue from Comfort Street to Hamilton Street and properties fronting on Alexander Street between South Clinton Avenue and Kirley Alley/Stebbins Street, but excluding the corner parcels at South Clinton Avenue. The Outer Tier of the district shall consist of the remaining properties in the area bounded by Mt. Hope Avenue, Byron Street, South Clinton Avenue, and Hamilton Street, including the parcels on the south side of Hamilton Street and the parcels fronting on South Avenue between Hamilton Street and Averill Avenue. The parcels are listed on an attachment filed in the City Clerk's Office. Such district is hereby defined to be the special assessment district for the maintenance costs of the South/Alexander Open Space, and the full amount of the annual maintenance costs shall be annually assessed against such parcels for each of the next ten years.

Section 3. The Council finds that the maintenance of the South/Alexander Open Space will benefit the parcels within the district in proportion to their assessed values, because property values will be enhanced thereby, and also in relation to their proximity to the open space. Therefore, the annual maintenance costs shall be allocated annually among the parcels in the district in proportion to their assessed values (without reduction for exemptions), with the parcels in the Outer Tier charged at half the rate as the Inner Tier parcels.

Section 4. The maintenance costs are estimated to be \$7,300 per year. The first-year special assessments shall be at a rate of \$0.40/\$1,000 of assessed value for the Inner Tier parcels, and \$0.20/\$1,000 of assessed value for the Outer Tier parcels. The rate for subsequent years shall be fixed at that time by the Council.

Section 5. The Council finds that it would be impracticable to select a maintenance contractor through competitive bidding, and designates the South Wedge Planning Committee to provide the maintenance.

Section 6. The special assessment district shall become effective upon the completion of the construction of the open space improvements and landscaping, and the maintenance special assessments shall be first billed on the next succeeding annual tax bill.

Section 7. This ordinance shall take effect immediately.

Item held.

By Councilmember Douglas
July 27, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 279 - Authorizing An Application And Agreement For The Local Law Enforcement Block Grant Program

Int. No. 280 - Authorizing An Amendatory Agree-

ment For A Pilot Drug Control Project And Amending The 2004-05 Budget

Int. No. 281 - Authorizing An Agreement With Respect To Impaired Driving And Amending The 2004-05 Budget

Int. No. 282 - Establishing Maximum Compensation For A Professional Services Agreement For Modifications To The Police Records System

Int. No. 283 - Establishing Maximum Compensation For Professional Services Agreements For Litigation Services

Int. No. 284 - Authorizing An Agreement For Appraisal Services

Int. No. 285 - Authorizing An Amendatory Agreement For The RASA Program

Int. No. 286 - Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

The following entitled legislation is being held in committee:

Int. No. 294 - Establishing Maximum Compensation For An Agreement For The 311/Call Reduction Unit And Amending The 2003-04 Budget

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-255
Re: Law Enforcement Block Grant

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an application and agreement with the U.S. Department of Justice, Office of Justice Programs, for funding under the Local Law Enforcement Block Grant (LLEBG) program. The grant, in the amount of \$122,013, would be valid during a two-year period commencing with the receipt of Federal Fiscal Year 2004 LLEBG funds. The grant requires a local match of \$13,557, which is included in the 2004-05 Budget of the Police Department.

Recipients are required to electronically submit applications to the United States Department of Justice. The application process is completed in steps, culminating in federal approval to actually draw down funds prior to making expenditures. Stringent federal guidelines require the City to submit an on-line application by July 23, 2004 and to complete its draw down process on or about October 22, 2004. A Public Hearing and an Advisory Board meeting must occur within the same period, to receive public comment and consider non-binding recommendations for program spending. Formal notification of awards is anticipated by late September.

Since 1996, the City has received LLEBG funding annually under a formula allocation established by

Federal legislation. All City of Rochester LLEBG allocations have been shared under joint spending agreements with Monroe County, necessitated by the County's filing of a request for a certification of disparate allocation, and its subsequent approval by the New York State Attorney General.

LLEBG funds must be used to support one or more of the "purpose areas" established by LLEBG program legislation, including: Law Enforcement, Drug Court, Adjudication, and Crime Prevention. Detailed plans for allocation of the award to various City programs are being developed. Legislation will subsequently be submitted to Council to propose expenditure of these funds.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-255
(Int. No. 279)

Authorizing An Application And Agreement For The Local Law Enforcement Block Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Justice for funding under the 2004 Local Law Enforcement Block Grant Program. Necessary local matching funds shall be provided through the 2004-05 Budget of the Rochester Police Department.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:
Ordinance No. 2004-256
Re: Agreement Extension - Crime
Fighting Strategies

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an amendatory agreement for \$67,500 with the President and Fellows of Harvard College and amending the 2004-05 Budget. This agreement will allow Dr. David Kennedy to continue to provide consulting services through December 31, 2004.

Dr. Kennedy has provided consultant services to the Police Department in tactics and techniques that discourage and minimize crime, and in creating incentives for community involvement in solving crimes. As Chief Duffy testified during the recent budget hearings, several initiatives developed jointly by RPD and Dr. Kennedy are having a noticeable impact on homicide rates. Further, it has been shown that the desire of individuals to commit crimes can be reduced if these individuals are shown that coordinated efforts of law enforcement and prosecutorial agencies will be focused on preventing these crimes and severely punishing those who commit them.

Funding will be provided from anticipated grants from the Weed and Seed and Operation Impact programs. In the event that this anticipated funding does not materialize, funds will be made available for this agreement by reprogramming currently available RPD allocations.

The original agreement with Harvard was authorized by City Council in April 2003. A recent extension through June 2004, was authorized by City Council on April 20, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-256
(Int. No. 280)

Authorizing An Amendatory Agreement For A Pilot Drug Control Project And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$67,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and the President and Fellows of Harvard College for a pilot project to control drug markets in City neighborhoods. Said amount shall be funded from the 2004-05 Budget of the Rochester Police Department.

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$67,500, and of said amount, \$40,000 is hereby appropriated from Weed and Seed Grant Funds and \$27,500 is hereby appropriated from Operation Impact Grant Funds.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-257
Re: Monroe County Traffic Safety Grants

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for \$13,500, and increasing the 2004-05 Budget of the Police Department by \$5,000 to reflect a portion of funds received from the 2004 Governor's Traffic Safety Committee, Impaired Driving Deterrence Program. Under the agreement, the County will reimburse the City the remaining \$8,500 of the grant for eligible costs incurred from October 1, 2003 through September 30, 2004. The Monroe County Legislature has approved the agreement pursuant to Resolution #203, adopted May 11, 2004.

These funds support overtime pay to enable the Police Department to enforce Driving While Impaired/Intoxicated Laws (using mobile patrols) and to deter underage alcohol consumption (checking businesses

selling alcoholic beverages). Enforcement activities are reported through the County's STOP DWI Program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-257
(Int. No. 281)

Authorizing An Agreement With Respect To Impaired Driving And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the Impaired Driving Deterrence Program of the Governor's Traffic Safety Committee.

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$5,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-258
Re: Agreement - Modifications to PACER
for Electronic Accident Reporting

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement for \$34,000 with Voyager Systems to provide modifications to the Police Department's record management system (PACER). Funding is available through a bond ordinance, approved by Council on April 20, 2004.

Modifications will allow accident reporting software to accept data from electronic accident report forms that officers generate using the New York State Traffic and Crime Report System (TraCS). Voyager Systems would complete project work by September 30, 2004, which is the deadline for implementation of the State-funded TraCS program.

Voyager Systems has previously developed PACER software applications for the department. This new agreement will allow Voyager to replace the existing Motor Vehicle Accident (MVA) reporting module with a new version of PACER-based systems application software. The MVA module is the department's front-end for capture, storage and retrieval of accident information from hardcopy accident reports, including electronic imaging and e-mail transfer of these reports

to insurance companies. The new version will modify database tables, replace electronic forms, and develop 'batch' data conversion programs.

TraCS software will become the front-end system to capture data from the NYS DMV "Report of Motor Vehicle Accident" form, as officers must complete an electronic version of the form, once installed on laptop computers in our patrol vehicles. PACER/MVA will store accident data for in-house reporting of accidents, database searches and inquiries, and electronic transmission of accident information. Software changes provided by this agreement are necessary to make the two systems compatible.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-258
(Int. No. 282)

Establishing Maximum Compensation For A Professional Services Agreement For Modifications To The Police Records System

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$34,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Voyager Systems, Inc. for modifications to the Police Records System to accept electronic accident report forms. Said amount shall be funded from Bond Ordinance No. 2004-116.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-259
Re: Agreements - Litigation Services
R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing agreements or amendatory agreements for the provision of services and assistance relating to certain litigation involving the City. The maximum cost of the agreements will be \$30,000, which will be financed from the 2004-05 Budget of the Law Department.

The Law Department often requires various professional services and assistance in conjunction with claims and litigation involving the City. This item proposes an agreement with Eugene R. Camerota, P.E., Brewerton, New York, for expert accident reconstruction services at a maximum cost of \$10,000. Mr. Camerota currently has an agreement with the City for such services at a maximum cost of \$8,000 on a separate case. Mr. Camerota has been chosen because of his expertise and fee schedule.

Additional agreements or amendatory agreements will provide for investigative services at a maximum cost of \$20,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-259
(Int. No. 283)

Establishing Maximum Compensation For Professional Services Agreements For Litigation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Eugene R. Camerota, P.E., for expert accident reconstruction services as required by the Law Department in conjunction with claims made by or against the City. Said amount shall be funded from the 2004-05 Budget of the Law Department.

Section 2. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements for investigative services as required by the Law Department in conjunction with claims made by or against the City. Said amount shall be funded from the 2004-05 Budget of the Law Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-260
Re: Agreement for Appraisal Services -
Midland Appraisal Associates, Inc.

R 2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Midland Appraisal Associates, Inc., 673 Panorama Trail West, Rochester, NY 14625 for appraisal of the Strathallan Hotel at 546 East Avenue, which is the subject of an assessment review proceeding brought against the City by the owners of the hotel.

Earlier this year, Midland prepared for the City a preliminary appraisal of this property, at a cost of \$3,200. That appraisal was used by the Corporation Counsel to review the assessment case for possible settlement. The case was not settled at that point; Corporation Counsel is now seeking a further agreement with Midland. This agreement will provide \$7,900 for a full trial appraisal of the property for all three years at issue, plus \$5,600 for trial preparation and trial testimony services if needed, for a total of \$13,500.

The term of the agreement shall be for two years or until the case is resolved.

The total tax refund demanded by the hotel owners is \$354,017.

The cost of this agreement will be funded from the 2003-04 Budget of the Law Department.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-260
(Int. No. 284)

Authorizing An Agreement For Appraisal Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Midland Appraisal Associates, Inc. for appraisal services, trial preparation and trial testimony in relation to the assessment review proceeding involving the Strathallan Hotel at 546 East Avenue. The agreement may extend until the completion of the assessment review proceeding.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$13,500, and said amount, or so much thereof as may be necessary, shall be funded from the 2003-04 Budget of the Law Department.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-261
Re: Agreement Amendment 21st Century
Community Learning Centers Program

R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation authorizing amendments to an existing agreement with the Rochester City School District for continuation of a Liaison for the Rochester After School Academy program. This legislation would extend the term of the agreement from June 30, 2004 to May 31, 2005 and increase the amount of the agreement by \$30,000, for a total of \$39,000. This increase will be funded from the New York State 21st Century Community Learning Centers Program grant, which was authorized by Council in May 2003.

RASA is a comprehensive and strategic approach to after-school programming, designed to enhance and extend learning opportunities beyond the traditional school day. There are a total of 16 RASA Academies at Title I schools, serving approximately 1,400 students and 600 family members. Fourteen of the RASA academies are schools within the Rochester City School District.

During the past year, it became apparent that a separate contract with the district to employ a liaison to work specifically with RASA sites was necessary, in order to bring them into alignment with the project goals, objectives and practices. As a District consultant, the RASA Liaison has been instrumental in developing individual Memorandums of Agreements with each school site and their respective lead agencies. However, due to the relational nature of having to negotiate the agreements, the work has not yet been completed with all 14 district sites. Additionally, we find the service and support provided by the RASA Liaison to be very helpful to the project overall and would like to extend the agreement to continue this relationship.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-99

Ordinance No. 2004-261
(Int. No. 285)

**Authorizing An Amendatory Agreement For
The RASA Program**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The Mayor is hereby authorized to enter
into an amendatory agreement with the Rochester City
School District for assistance with the Rochester After
School Academy (RASA) Program.

Section 2. The amendatory agreement shall obli-
gate the City of Rochester to pay an amount not to
exceed \$30,000, and said amount, or so much thereof
as may be necessary, shall be funded from New York
State 21st Century Community Learning Centers
Program Funds previously appropriated.

Section 3. The amendatory agreement shall contain
such additional terms and conditions as the Mayor
deems to be appropriate.

Section 4. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-262
Re: RHA Salary Schedule

R2010: Campaign 7- Quality Service

Transmitted herewith for your approval is legislation
approving the salary and wage schedules for non-
bargaining unit employees of the Rochester Housing
Authority, i.e., those employees who are not repre-
sented by the American Federation of State, County,
and Municipal Employees, Local 1635F (AFSCME).
This approval is required by Section 32 of the NYS
Housing Law.

The adjusted schedule provides for a 2.8% increase,
retroactive to July 1, 2004. This increase was ap-
proved by the RHA Board of Commissioners at its reg-
ular meeting of June 23, 2004. A certified copy of the
Board's approving resolution is on file with the City
Clerk. This increase is equal to the increase granted to
the City's non-bargaining unit employees.

The RHA remains in negotiations with AFSCME for
a successor to the labor contract that expired on June
30, 2004. When complete, that agreement for the
bargaining unit members will be forwarded to City
Council for approval.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-100

Ordinance No. 2004-262
(Int. No. 286)

**Approving Wage And Salary Increases For
Employees Of The Rochester Housing Authority**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. Pursuant to Section 32 of the New
York State Public Housing Law, the Council hereby
approves wage and salary increases of 2.8% for non-
bargaining unit employees of the Rochester Housing
Authority, retroactive to July 1, 2004, as approved by
the Board of Commissioners of the Rochester Housing
Authority on June 23, 2004.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 294
Re: Agreement - Customer Relationship
Management Technology for the
311 Center

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation
that will:

1. Authorize an agreement with Motorola Commu-
nications and Electronics, Inc. to provide auto-
mated software and services for the department's
311/Call Reduction Unit in an amount not to
exceed \$260,000; and,
2. Amend the 2003-04 Cash Capital allocation
by \$25,000, reflecting a re-appropriation of
unused COPS More 2001 grant funds that were
originally included in the 2001-02 operating
budget of the Police Department. Council had
appropriated \$232,500 of federal COPS MORE
2001 grant funds for this purpose on December
18, 2001.

The remaining funds are available as follows:
\$207,500 from the 2001-02 Cash Capital allocation
and \$27,500 in bonds (as per Bond Ordinance No.
2004-116).

This technology will enable the department to capture
information onto an electronic "service request" form,
forward the form to the appropriate destination, and
track the disposition of the service response. This
process will automate several manual processes that
are used by 311 personnel to respond to 311 non-
emergency service requests.

A Request for Proposals (RFP) was distributed to
six prospective vendors to solicit project proposals
to provide Customer Relationship Management
(CRM) software and related services. Proposals were
received from four firms and evaluated based on prior
experience, staff qualifications, the completeness and
feasibility of the proposed approach, costs, and other
factors. Motorola Communications and Electronics,
Inc. was selected as the most qualified firm to un-
dertake the project.

It is anticipated that work will commence in July
2004.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Introductory No. 294

ESTABLISHING MAXIMUM COMPENSATION FOR AN AGREEMENT FOR THE 311/ CALL REDUCTION UNIT AND AMENDING THE 2003-04 BUDGET

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$260,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Motorola Communications and Electronics, Inc. for automated software and services for the 311/Call Reduction Unit of the Rochester Police Department. Of said amount, \$207,500 shall be funded from the 2001-02 Cash Capital Allocation, \$25,000 shall be funded from the 2003-04 Cash Capital Allocation, and \$27,500 shall be funded from Bond Ordinance No. 2004-116.

Section 2. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$25,000, which amount is hereby reapportioned from COPS More 2001 grant funds.

Section 3. This ordinance shall take effect immediately.

Item held.

The meeting was adjourned at 8:55 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

**REGULAR MEETING
AUGUST 24, 2004**

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DPRHS

Dawn M. Bixby

RPD

Thomas W. Belcher

DCD

*Janice B. Kenney

DES

*Joanne Clinkscales

*James F. Schwab

Finance

*Carol M. Weilert

Law

*David A. Harradine

RFD

*William G. Ciaccia

*Mark E. Nestler

**Not attending Meeting.*

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3777-7

Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3778-7

The Director of Zoning Submits Notices of Environmental Determination:

142 Atlantic Ave., 126-130 Atlantic Ave., 5 Fairmount St. 3779-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

By Council President Giess - Petition submitted by the North Clinton Business Association in favor of the expanded Certificate of Use legislation. Petition No. 1606

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Changing The Zoning Classification Of 753-781 Emerson Street From R-1 Low Density Residential To M-1 Industrial Int. No. 305 One speaker: Edward VanHook.

Local Improvement Ordinance - Establishment Of The South/Alexander Open Space Special Assessment District Int. No. 278 One speaker: Dan Buyer. Amending The 1995-96, 1996-97, And 1997-98 Community Development Programs By Transferring Funds Within The Promoting Economic Stability Allocations, Amending Ordinances, Authorizing Agreements, And Appropriating Funds Int. No. 196A No speakers.

Amending Ordinance No. 2002-368 Relating To Changes In The Pavement Width Of South Plymouth Avenue And Bartlett Street And At The Intersection Of South Plymouth Avenue With Ford Street And With Bartlett Street Int. No. 331 No speakers.

Dedication Of Parcels To Street Purposes As Part Of The South Plymouth Avenue Public Improvement Project Int. No. 335 One speaker: Dorothy Hall.

Abandonment Of A Portion Of Bartlett Street Int. No. 336 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
August 24, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 296 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 297 - Amending Ordinance No. 2004-41 Relating To The Sale Of Real Estate And Amending Ordinance No. 2003-177 Relating To The North Clinton Avenue Revitalization Project, As Amended

Int. No. 298 - Approving The Sublease Of 1495 Lake Avenue

Int. No. 299 - Approving The Lease Of 578 Chili Avenue

Int. No. 300 - Authorizing Necessary Agreements For Site Improvements For The Newcroft Subdivision

Int. No. 301 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$70,000 Bonds Of Said City To Finance The Additional Cost Of Construction Of Street Improvements In Connection With The Newcroft Subdivision Project

Int. No. 302 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Brooks Landing Street Improvements Project

Int. No. 303 - Authorizing An Agreement For The Clean & Kennedy Revitalization Project

Int. No. 304 - Determination And Findings Relating To The Acquisition Of 64 North Washington Street

Int. No. 291 - Authorizing The Acquisition By Negotiation Or Condemnation Of 64 North Washington Street To Further The Cascade Area Urban Renewal Plan

Int. No. 292 - Authorizing The Sale Of 64 And 70 North Washington Street To Further The Cascade Area Urban Renewal Plan

Int. No. 293 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$236,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of Acquisition Of Realty Within The City's Cascade Urban Renewal Area

Int. No. 329 - Resolution Approving Appointment To The Electrical Examining Board

Int. No. 175 - Authorizing The Sale Of 56 Stutson Street

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 196A - Amending The 1995-96, 1996-97, And 1997-98 Community Development Programs By Transferring Funds Within The Promoting Economic Stability Allocations, Amending Ordinances, Authorizing Agreements, And Appropriating Funds

The following entitled legislation is being held in committee:

Int. No. 305 - Changing The Zoning Classification Of 753-781 Emerson Street From R-1 Low Density Residential To M-1 Industrial

Respectfully submitted,
Wade S. Norwood
William F. Pritchard
Adam C. McFadden
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-263 And
Ordinance No. 2004-264
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of twelve properties and amending a previously authorized sale. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Sales

The first five properties are single family structures that were sold at the April 6, 2004 Owner Occupant Auction. The purchasers will be required to rehabilitate the properties within 18 months of closing and to occupy them for a minimum of five years.

The next property is a single family structure that was sold for its appraised value through the February 20, 2004 Request for Proposal Sale.

The next five properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size, with the exception of the portion of 715 LaGrange Avenue. The property located at 715 LaGrange Avenue is considered unbuildable due to the location of the City's main sewage line beneath it.

The last property is a vacant lot that is being sold to Flower City Habitat for Humanity for its appraised value. The parcel will accommodate the construction of a single family house that will be sold to a family with an income less than 80% of the median income of the metropolitan statistical area.

Amendment

Amendment of Ordinance 2004-41 (February 24, 2004) authorizing a reduction of the sale price in an amount not to exceed \$23,000, for 420 South Avenue to 390 South Avenue LLC, based on the actual cost of environmental remediation. The original sale price was \$25,000. The purchaser, who is developing the adjoining Downtown Motor Lodge site, included a contingency in the accepted proposal that made the sale subject to an acceptable Phase I and Phase II environmental audit. The purchaser hired Construction Lending Services, Inc. to investigate the site and a tank containing petroleum and sludge was found. The estimated cost of remediation was \$23,000. The quantities of product to be removed and soil to be added to the site are estimated. DES/DEQ reviewed the estimates and concurred with the action plan for the remediation, but the reduction in sales price will

be based on their verification of the actual costs.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-101

Ordinance No. 2004-263
(Int. No. 296, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by owner occupant auction:

Address S.B.L.#	Legal Use Purchaser	Price
63 Austin St. 105.57-2-8	1 Family Salim Abduljelil	\$ 8,700
35 Cutler St. 091.69-1-65	1 Family Duchess Burden	7,900
15 Lynchford Pk. B 120.41-1-43	1 Family Mary Ann Snipes	18,300
83 Mason St. 090.82-3-91	1 Family Betty Lynch	9,000
74 Millbank St. 135.26-3-40	1 Family Gretchen Gorman	9,000

Section 2. The Council hereby further approves the sale of the following parcel of improved property by request for proposal sale:

Address: 10 King St.
S.B.L.#: 120.36-2-33
Legal Use: 1 Family
Price: \$ 2,500
Purchaser: Marlene Sutliff

Section 3. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Sq. Ft. Purchaser
26 Bock St. 107.46-1-52	3417± Christine Martins
135-135.5 Hazelwood Ter. 107.54-2-4	3890± Jeannemarie Longchamps
1297 Jay St. 105.79-3-7	4250 <u>Pinoak Properties, LLC</u> Officers: Robert J. Merkel & Joseph E. Merkel
Pt. Of 715 LaGrange Av. Pt of 090.31-1-10.2	3812± Billy R. & Elma T. Green
324 Roycroft Dr. 091.82-1-43	3795± Stephen R. Tubiolo

Section 4. The Council hereby further approves the negotiated sale of the following parcel of vacant land:

Address: 6 N. Madison Pk.
S.B.L.#: 106.39-1-9
Price: \$450
Purchaser: Flower City Habitat For Humanity*

*Officers: Arthur Woodward, Dick Sprenkle

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2004-264
(Int. No. 297, As Amended)

Amending Ordinance No. 2004-41 Relating To The Sale Of Real Estate And Amending Ordinance No. 2003-177 Relating To The North Clinton Avenue Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-41, relating to the sale of real estate, as amended, is hereby further amended by authorizing the Director of Real Estate to approve a reduction in the sale price of 420 South Avenue in an amount not to exceed \$23,000 from the original price of \$25,000 as approved in Section 8, based on the actual cost of environmental remediation.

Section 2. Ordinance No. 2003-177, relating to the acquisition of real estate for the North Clinton Avenue Revitalization Project, is hereby amended by increasing the acquisition price for 830 North Clinton Avenue, SBL No. 106.39-1-82, from \$13,000 to \$18,000. Said amount shall be funded from Bond Ordinance No. 2003-178.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-265
Re: Sub Lease - 1495 Lake Avenue

R2010: Campaign 1 - Involved Citizens
Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement between the City and Bergmann Associates for the sub-lease of approximately 1,700 square feet of office space at 1495 Lake Avenue. This office space was previously occupied by the Rochester Police Department's Lake Section.

The current lease between the City and the property owner, Wegman Specialties, LLC expires in 2008 and allows the City to sublease space. The Area A NET office currently occupies 3,000 square feet of this 6,000 square foot building; the remainder of the building is currently vacant.

The sublease will be for a period of two years at a monthly rental rate of \$1,275. This amount was established through an independent appraisal prepared by Robert G. Pogel, SRPA. The sublease will contain four renewal options for an additional three months each.

Bergmann Associates will be using the space as a site office during the West Ridge Road reconstruction project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-102

Ordinance No. 2004-265
(Int. No. 298)

Approving The Sublease Of 1495 Lake Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a sublease agreement with Bergmann Associates for the sublease of approximately 1,700 square feet of office space at 1495 Lake Avenue for two years, with four renewal options for three months each. The monthly rent shall be \$1275.

Section 3. The sublease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-266
Re: Lease Agreement - 578 Chili Avenue

R2010: Campaign 1 - Involved Citizens
Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the lease of 578 Chili Avenue to Charles and Bonita Cutaia, 572-574 Chili Avenue.

Charles and Bonita Cutaia own, operate, and maintain a grocery store adjacent to this parcel of land. As part of the Chili Avenue project, this property has been developed into a neighborhood commercial parking lot, which the Cutaia's have agreed to maintain.

The lease will have a term of 10 years with monthly payments of \$75.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the proposed lease will not result

in any negative effects. A negative declaration has been issued.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-103

Ordinance No. 2004-266
(Int. No. 299)

Approving The Lease Of 578 Chili Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Charles and Bonita Cutaia for the lease of the parking lot at 578 Chili Avenue for ten years. The monthly rent shall be \$75. The tenant shall be responsible for all maintenance of the lot.

Section 3. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-267 And
Ordinance No. 2004-268
Re: Newcroft Subdivision
R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$70,000 appropriating the proceeds thereof to finance a portion of the cost of improvements for the Newcroft Subdivision Project; and authorizing any agreements necessary to implement the project.

The Newcroft Subdivision, formerly known as the Atlantic Woodstock Subdivision, is a housing subdivision being developed by the City. The project consists of approximately seven acres located on the former APCO contractor's yard on Atlantic Avenue. Environmental remediation of the contaminated soils on the site was completed in the fall of 2003.

The site was re-subdivided into 27 new housing lots and a right-of-way for a new cul-de-sac street named Newcroft Park. Twenty-two housing lots front on Newcroft Park, four parcels front on Woodstock Street and one parcel fronts on East Main Street.

Bids for the construction were received on April 14, 2003. City Council authorized the construction bonding on May 13, 2003 and the work is being performed by Ferguson Hall Construction Inc.

The additional funding being requested at this time is to complete the site preparation of the four Woodstock Street parcels and the East Main Street parcel.

Construction will be undertaken as a change order to the current construction contract with Ferguson Hall Construction, Inc. and will be substantially completed this fall.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-267
(Int. No. 300)

Authorizing Necessary Agreements For Site Improvements For The Newcroft Subdivision

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into such agreements as may be necessary to complete the site preparation for the construction of new housing as a part of the Newcroft Subdivision.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-268
(Int. No. 301)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$70,000 Bonds Of Said City To Finance The Additional Cost Of Construction Of Street Improvements In Connection With The Newcroft Subdivision Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of planning and implementing street improvements, including but not limited to the construction of a new cul-de-sac street extending northerly from Atlantic Avenue between Woodstock Street and Akron Street, with new water mains and services, storm and sanitary sewers with laterals, curbs, sidewalks, driveway aprons, street lighting and landscaping, which shall include four parcels fronting on Woodstock Street and one parcel on East Main Street, in connection with the Newcroft (formerly called the Atlantic Woodstock) Subdivision Project within the City ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$959,900. The plan of financing includes the issuance of \$70,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$800,000 bonds previously appropriated in Ordinance No. 2003-139 and \$89,900 in current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$70,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$70,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in sub-

stantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-269
Re: Brooks Landing Street Improvements Project

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing the issuance of additional bonds totaling \$200,000 and appropriating the proceeds thereof to finance the increased cost of the public street improvements as part of the Brooks Landing Street Improvements Project.

The street improvements will include reconstruction of a portion of Brooks Avenue and improvements to four intersections in the vicinity of the development area. The planned street improvements are based on a traffic study conducted by FRA Engineering in 1999.

Bonding in the amount of \$1,000,000 for this project was authorized by City Council on April 8, 2003. Subsequent construction bids came in at a total cost of \$1,175,000, including contingency. Additional bonding in the amount of \$175,000 was then authorized by City Council in Ordinance No. 2003-179 bringing the total authorized construction funds to \$1,175,000. The bids were later rejected due to the delay in the project caused by the pending federal parkland conversion approval required for the project. A revised project cost of \$1,375,000 including contingency was subsequently estimated due to the delay. New bids were received and confirmed the new estimated project cost.

The construction cost based on the lowest bid received is \$1,142,801. An additional \$232,199 will be allocated for street lighting, acquisitions, other items not included in the contract and contingency.

Construction	Contingency	Total
\$1,142,801	\$232,199	\$1,375,000

These costs were provided for in the 2001-02 Capital Improvement Program.

Construction is scheduled to begin in September 2004 and be completed in May 2005.

Respectfully submitted,
William A. Johnson Jr.
Mayor

Ordinance No. 2004-269
(Int. No. 302)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Brooks Landing Street Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of the construction and reconstruction of certain streets, including but not limited to Brooks Avenue, Genesee Street, South Plymouth Avenue, Scottsville Road, Elmwood Avenue and Genesee Park Boulevard, as a part of the Brooks Landing Street Improvements Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,575,000. The plan of financing includes the issuance of \$200,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$175,000 bonds previously appropriated in Ordinance No. 2003-179, \$1,000,000 bonds previously appropriated in Ordinance No. 2003-91, and \$200,000 bonds previously appropriated in Ordinance No. 2001-359, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$200,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation

thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Curran abstained vote because his residence is located within the area affected by the project.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-270
Re: Olean & Kennedy Revitalization
Project - Corrective Action Plan

R2010: Campaign 4 - Environmental
Stewardship
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Olean & Kennedy Revitalization Project being undertaken by the Rochester Housing

Authority (RHA). This legislation will:

1. Authorize an agreement with Providence Cornerstone Developers, LLC for the preparation of a corrective action plan for the remediation of contamination at the Olean redevelopment site; and
2. Appropriate \$40,000 from the Rental Housing allocation of the 2003 HOME Program to fund this agreement.

The Olean & Kennedy Revitalization Project located in the Plymouth-Exchange neighborhood is a major initiative with three phases that will involve the demolition and replacement of 111 units of obsolete public housing and the modernization of an additional 80 units. As part of the project, the City will build new streets and infrastructure and construct 14 single-family homes as part of the Home Expo Program on the Olean site.

The RHA Board of Commissioners approved the Olean & Kennedy Revitalization Project in October 2001 and selected a partnership of Providence Housing Development Corporation and Rochester's Cornerstone Group, Ltd. as the project developer in August 2002. HUD approved the decommissioning of the public housing on the two sites and the units have been demolished.

Redevelopment of the Olean site will involve not only the land previously owned by RHA and occupied by the Olean townhouses, but City-owned land situated along Ford Street and South Plymouth Avenue. The redevelopment will result in new rental housing being developed on the City-owned parcels and a City Home Expo project being developed on land currently owned by RHA. A land transfer to accomplish this will be recommended at a later date.

Providence currently has project funding applications pending with the NYS Division of Housing and Community Renewal. Assuming funding commitments will be awarded for the projects this year, Providence has a need to progress the predevelopment and site preparation work as soon as possible. One impediment to advancing the project is the presence of subsurface environmental issues on the City-owned portion of the Olean site.

The City has completed Phase I and Phase II environmental investigations on the City-owned portion of the Olean site and determined that several contaminants are present. The contaminants include petroleum products, volatile organic compounds, semi-volatile organic compounds and heavy metals. Before the proposed development can proceed, remediation is required and a corrective action plan must be prepared for submission to the NYS Department of Environmental Conservation.

Providence Cornerstone Developers, LLC, the developer for the site, will secure the services of a consultant to complete the corrective action plan. It is proposed that the consultant will be responsible for the following:

1. Completion of a remedial investigation and report delineating the extent of soil and groundwater contamination. The data from the remedial investigation will assist with the selection and scope of remedial measures and corrective actions.
2. Subsequent to obtaining approval by appropri-

ate regulatory agencies, the consultant will prepare a remedial work plan and accompanying remedial design. The remedial work plan will include drawings, equipment and construction specifications, estimated material and equipment quantities, and operation and monitoring plans for each remedial measure and/or remedial system proposed. If necessary, health and safety or soil management/ construction contingency plans will be developed.

- 3. Assist the developers with obtaining regulatory agency approval of the work plan.

Once the recommended cleanup approach has been approved, an actual cleanup of the site will begin. It is anticipated that the development of the corrective action plan and securing the necessary approvals from the NYS Department of Environmental Conservation (NYSDEC) and Monroe County Health Department will take approximately six (6) months. Additional funding will be required for clean-up.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-270
(Int. No. 303)

Authorizing An Agreement For The Olean & Kennedy Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Providence Cornerstone Developers, LLC, for preparation of a corrective action plan for environmental remediation at the Olean development site as a part of the Olean & Kennedy Revitalization Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2003 HOME Program Funds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-271
Re: Determinations and Findings - Real Estate Acquisition, Art Craft Optical Bldg. (85-89 Allen Street)

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban Neighborhoods
Campaign 10 - Center City

Transmitted herewith for your approval is legislation approving the determinations and findings related to the acquisition, by negotiation or condemnation, of 64 North Washington Street for the redevelopment of the Art Craft Optical Building. Such determinations

and findings are required by Article 2 of the Eminent Domain Procedure Law. The property to be acquired is 64 North Washington Street.

A public hearing on this matter was held by the Council on July 27, 2004, and there were no speakers. The following determinations and findings are proposed:

- 1. Project description - The acquisition, by negotiation or condemnation, of 64 North Washington Street to facilitate surface parking to support the development of the adjacent Art Craft Optical Building for work-live lofts and offices. This will facilitate further development of the Cascade Area Urban Renewal Plan;
- 2. Project purpose - Acquisition will enable the redevelopment of the vacant Art Craft Optical Building into 48 market rate work-live lofts and offices. As a result, the City's tax base will be expanded and increase the value of the Cascade District; and
- 3. Project effect - It is anticipated that 70 construction jobs will be created, and development of the Art Craft Optical Building will create or retain 60 permanent jobs.

If these determinations and findings are approved, the legislation authorizing the property acquisition may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-271
(Int. No. 304)

Determination And Findings Relating To The Acquisition Of 64 North Washington Street

WHEREAS, the City of Rochester proposes to acquire 64 North Washington Street in furtherance of the Cascade Area Urban Renewal Plan, and

WHEREAS, the Council of the City of Rochester held a public hearing on July 27, 2004 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this parcel,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby makes the following determination and findings concerning the acquisition of 64 North Washington Street in furtherance of the Cascade Area Urban Renewal Plan:

- a. Project location and public purpose. 64 North Washington Street is being acquired to support the redevelopment of the Art Craft Optical Building to further the objectives of the Cascade Area Urban Renewal Plan. 64 North Washington Street is a parking lot privately owned by Thomas G. Slattery. The Art Craft Optical Building, a 79,800 square foot, seven-story vacant building, is located at the corner of Allen Street and Plymouth Avenue adjacent to Frontier Field. The building was built in 1905 and is comprised of masonry brick exterior walls, large windows on each side, and heavy interior timber construction, with 16 ft columns. Each floor contains approximately 10,000 square feet, with commanding views of the City on all four sides, especially of Frontier

Field. The building sits in the Cascade Area Urban Renewal District at 85-89 Allen Street and is zoned CCD-C. Any redevelopment of this building would not be feasible without the acquisition of the adjacent property located at 64 North Washington Street.

85 Allen, LLC owned by Larry Glazer, has proposed purchasing and renovating the Art Craft Optical Building to create 48 market rate work-live lofts. 85 Allen, LLC has also proposed purchasing two adjacent properties (64 and 70 North Washington Street) to provide approximately 120 surface parking spaces. 70 North Washington Street is owned by the City of Rochester. The redevelopment of the Art Craft Building is dependent on the acquisition of these parcels for dedicated parking for the project.

- b. Public benefit. The acquisition, by negotiation or condemnation, of 64 North Washington Street and sale of 64 and 70 North Washington Street to 85 Allen, LLC will provide the framework for development of the existing Art Craft Optical Building located at 85-89 Allen Street and create/retain jobs and investment in the City of Rochester. The acquisition will further the objectives of the Cascade Area Urban Renewal Plan. The general effects of the acquisition of this parcel on the environment and the residents of the immediate area will be beneficial. The project will have no significant adverse environmental effects.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory Nos. 291, 292, and 293 were introduced July 27, 2004, and appear in their original forms with their transmittal letter on page 242 of the current Council Proceedings.

Attachment No. AD-104

Ordinance No. 2004-272
(Int. No. 291)

Authorizing The Acquisition By Negotiation Or Condemnation Of 64 North Washington Street To Further The Cascade Area Urban Renewal Plan

Passed unanimously.

Ordinance No. 2004-273
(Int. No. 292)

Authorizing The Sale Of 64 And 70 North Washington Street To Further The Cascade Area Urban Renewal Plan

Passed unanimously.

Ordinance No. 2004-274
(Int. No. 293)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$236,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of Acquisition Of Realty Within The City's Cascade Urban Renewal Area

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2004-21
Re: Appointment to Electrical Examining Board

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment of Daniel Conte to the Electrical Examining Board. Mr. Conte lives at 392 Wilder Road, Hilton, New York 14468.

Mr. Conte has 30 years of experience as an electrician and is the newly elected manager of the International Brotherhood of Electrical Workers. He will replace William Auble who has served as the representative of the local electrical union on the Electrical Examining Board since 2002.

Mr. Conte will complete the remainder of Mr. Auble's term, which will expire December 31, 2005. A copy of Mr. Conte's resume is on file in the City Clerk's office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-21
(Int. No. 329)

Resolution Approving Appointment To The Electrical Examining Board

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Daniel Conte, 392 Wilder Road, Hilton, New York, to the Electrical Examining Board for a term which shall expire on December 31, 2005. Mr. Conte shall replace William Auble, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Introductory No. 175 was introduced June 22, 2004, and appears in its original form with its transmittal letter on page 191 of the current Council Proceedings.

Attachment No. AD-105.

Ordinance No. 2004-275
(Int. No. 175)

Authorizing The Sale Of 56 Stutson Street

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Norwood, Pritchard, Santiago - 7.

Nays - Councilmembers Mains, Stevenson - 2.

Introductory No. 196A was introduced July 27, 2004, and appears in its original form with its transmittal letter on page 244 of the current Council Proceedings.

Ordinance No. 2004-276
(Int. No. 196A)

Amending The 1995-96, 1996-97 And 1997-98

Community Development Programs By Transferring Funds Within The Promoting Economic Stability Allocations, Amending Ordinances, Authorizing Agreements, And Appropriating Funds

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 305
Re: Zoning Map Amendment 753-781
Emerson Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning six properties at 753-781 Emerson Street from R-1 Low Density Residential to M-1 Industrial District.

The rezoning is requested by Mr. Edward VanHook to enable him to expand his heating and air conditioning service business located at 769 Emerson Street. This proposal has been submitted for site plan review. Mr. VanHook is proposing to construct an addition to his building at 769 Emerson Street and develop a parking lot on his adjoining property at 759 Emerson Street. There are no development plans being proposed for the remaining properties at this time. However, Mr. Vanhook has expressed interest in acquiring additional property on this block for future expansion.

The properties affected by this proposed rezoning include and are utilized as follows:

- 753 Emerson Street: Built as 2 family dwelling
- 755 Emerson Street: Converted 2 family dwelling
- 759 Emerson Street: Converted 2 family dwelling
- 765 Emerson Street: City-owned residential vacant land
- 769 Emerson Street: Heating and air conditioning contracting/service operation
- 781 Emerson Street: Single family dwelling

These properties are bordered to the north and east by M-1 zoning and to the south and west by R-1 zoning. All the affected owners consented to the rezoning. Mr. VanHook is seeking to purchase the 430 sq. ft. City-owned parcel at 765 Emerson Street.

Given the extent of industrial zoning in this area and the fact that Mr. VanHook's business has been in that location for almost 20 years, rezoning the area to M-1 Industrial was recommended. Expansion of Mr. VanHook's Heating and Air Conditioning Service Business and development of an adjacent parking lot would be permissible in the proposed M-1 Industrial District.

The Planning Commission held an informational hearing on July 19, 2004; one person spoke in support of the request. By a vote of 3-1, the Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning, as lead agency, has determined that the proposal will not result in any significant adverse impacts and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 305

CHANGING THE ZONING CLASSIFICATION OF 753-781 EMERSON STREET FROM R-1 LOW DENSITY RESIDENTIAL TO M-1 INDUSTRIAL

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following described property, constituting 753-781 Emerson Street, from R-1 Low Density Residential to M-1 Industrial:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows:

Beginning at the centerline intersection of Emerson Street (80' ROW) and Avery Street (60' ROW), said intersection being the point or place of beginning; thence

- 1) Southerly, along said centerline of Avery Street, a distance of 162.7 feet, more or less, to the intersection of the easterly extension of the south line of Lots 234 thru 239 of the W.M. Otis Building Lot Association Tract, as filed in the Monroe County Clerk's Office in Liber 8 of Maps, Page 91; thence
- 2) Westerly, along said extension and the south line of Lots 234 thru 239, a distance of 289 feet, more or less, to the southwest corner of said Lot 239; thence
- 3) Northerly, along the west line of said Lot 239 and its extension, a distance of 162.7 feet, more or less, to the said centerline of Emerson Street; thence
- 4) Easterly, along said Emerson Street centerline a distance of 289 feet, more or less, to the intersection of the said centerline of Avery Street, said intersection being the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Item held.

By Councilmember Mains
August 24, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 306 - Authorizing Agreements For Human Services Programs

Int. No. 307 - Authorizing Agreements For The Communi-Tech Project

Int. No. 308 - Amending Ordinance No. 2004-12 Relating To The Adolescent Pregnancy Prevention

Program

Int. No. 309 - Amending Ordinance No. 2004-124
Relating To The Emergency Shelter Grant Program

Respectfully submitted,
Tim O. Mains
William F. Pritchard
Lois J. Giess
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-277
Re: Human Services Projects

R2010: Campaign 2 - Educational Excellence
Campaign 3 - Health, Safety
and Responsibility
Campaign 6 - Economic Vitality
Transmitted herewith for your approval is legislation
authorizing agreements with the following organiza-
tions for Human Services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
United Way Creating Assets, Savings, Hope (CASH) Initiative	\$20,000
Baden Street Settlement Metro Council on Teen Potential (MCTP)	35,000
Rochester Area Community Foundation Quad A Kids Neighborhood Ambassador Program (KNAP)	37,500
Rochester Area Community Foundation Rochester's Child	2,500
YMCA of Greater Rochester Teens on Track	25,000
Lifespan Safety and Security for Seniors	10,000

These projects are considered projects with matching funds and are eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981. The proposed agreements represent the second year of CDBG funding for CASH, the third year for MCTP and Quad A, and the fifth year for Rochester's Child, Teens on Track, and Safety and Security for Seniors.

The CASH Initiative assists low-income families by providing access to the Earned Income Tax Credit through the provision of free tax preparation services.

MCTP, a policy-making council has oversight of the Adolescent Pregnancy Prevention Services grant.

Quad A KNAP provides after-school and summer programming at Schools #6, #17, #30 and #36.

Rochester's Child provides young children with a healthy start in school and life. The program provides resources to child care providers and teachers, and assistance in continuing education and credentialing.

Teens on Track is a program of the Monroe YMCA and provides weekly sessions for youth to gain social skill building, recreation, counseling, and support services.

Safety and Security for Seniors provides elderly clients with personal home and safety assessments at no cost to the clients.

The cost of the MCTP, Quad A, Teens on Track, Safety and Security for Seniors and CASH, will be financed from the General Community Needs allocation of the 2004-05 Community Development Block Grant. Rochester's Child will be financed from the 2002-03 Community Development Block Grant (General Community Needs allocation).

The most recent agreements for these services were authorized in August and September 2003.

Project descriptions and budgets are attached.

Respectfully submitted,
William A Johnson, Jr.
Mayor

Attachment No. AD-106

Ordinance No. 2004-277
(Int. No. 306)

Authorizing Agreements For Human Services Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for the following Human Services Projects or the following amounts are allocated for Human Services Projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Baden Street Settlement Metro Council on Teen Potential (MCTP)	\$35,000
Rochester Area Community Foundation Rochester's Child	2,500
Rochester Area Community Foundation Quad A Kids Neighborhood Ambassador Program (KNAP)	37,500
YMCA of Greater Rochester Teens on Track	25,000
Lifespan Safety and Security for Seniors	10,000
United Way Creating Assets, Savings, Hope (CASH) Initiative	20,000

Section 3. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$130,000, and of said amount, or so much thereof as may be necessary, \$127,500 is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program and \$2,500 is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Program.

Section 4. The agreements shall contain such ad-

ditional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-278
Re: Communi-Tech Project

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation authorizing agreements with the following for implementation of the Communi-Tech project:

1. The Academy for Career Development, Inc., in the amount of \$95,200; and
2. WXXI Public Broadcasting, in the amount of \$4,800.

The cost of the agreements will be financed from the General Community Needs allocation of the 2004-05 Community Development Block Grant.

Communi-Tech is considered a project with matching funds and is eligible for up to five years of funding under the human services funding guidelines approved by City Council in June 1981. The proposed agreements represent the third year of CDBG funding.

Communi-Tech provides a direct, on-line Help Desk that gives technical assistance to a network of neighborhood computer learning centers.

WXXI, through a lease agreement, provides a central location site for the Communi-Tech project. The location is also the site of the offices of the technical services personnel. Both organizations share similar goals of advancing community based learning.

The most recent agreement for these services was approved August 23, 2003. A project description and budget are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-107

Ordinance No. 2004-278
(Int. No. 307)

Authorizing Agreements For The Communi-Tech Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Academy for Career Development for the Communi-Tech Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$95,200, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

Section 3. The Mayor is hereby further authorized

to enter into an agreement with WXXI Public Broadcasting for the lease of technical operation space at 280 State Street to be used for the Communi-Tech Project. The agreement shall extend for a term of one year.

Section 4. The lease agreement shall obligate the City to pay an amount not to exceed \$4,800, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-279 And
Ordinance No. 2004-280
Re: Amending Ordinances No. 2004-12
And No. 2004-124

R2010: Campaign 1 - Involved Citizens
Campaign 2 - Educational Excellence
Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing technical amendments to the following ordinances:

I. Ordinance No. 2004-12, January 2004

1. Remove the Urban League of Rochester from the Consortium of North East Community Teen Services (CONNECTS);
2. Add Cameron Community Ministries in the amount of \$11,050 to the CONECTS consortium; and
3. Increase the CONECTS contract for the Society for the Protection and Care of Children by \$63,950 to \$123,950.

The Urban League, listed in the original ordinance as a consortium agency to receive \$75,000, is being removed since failing to meet State-required performance measurements. The Metro Council for Teen Potential, the oversight organization for this initiative, issued a request for proposals to select new consortium members. MCTP gave final approval to the Society for the Protection and Care of Children and Cameron Community Ministries to deliver the needed services.

II. Ordinance No. 2004-124, May 2004

1. Remove Maranatha Missionary Baptist Church/Enriche House in the amount of \$6,000 as an Emergency Shelter Grant contractor; and
2. Add the Rochester Fatherhood Resource Initiative (RFRI)/Enriche House as a contractor, in the amount of \$6,000.

Concerns with the leadership of the Maranatha Missionary Baptist Church have led the administration to

reject it as the fiduciary entity for the Enriche House Project. That role will now be assumed by RFRI.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-279
(Int. No. 308)

Amending Ordinance No. 2004-12 Relating To The Adolescent Pregnancy Prevention Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-12, relating to the Adolescent Pregnancy Prevention Program, is hereby amended by deleting authorization for an agreement with the Urban League of Rochester, Inc. in the amount of \$75,000 in Section 1 and by adding authorization for an agreement with Cameron Community Ministries in the amount of \$11,050, and by increasing the amount for the Society for the Care & Protection of Children by \$63,950.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-280
(Int. No. 309)

Amending Ordinance No. 2004-124 Relating To The Emergency Shelter Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-124, relating to the Emergency Shelter Grant Program, is hereby amended by changing the allocation for the Enriche House in Section 2 from the Maranatha Missionary Baptist Church to the Rochester Fatherhood Resource Initiative.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
August 24, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 311 - Establishing Maximum Compensation For A Professional Services Agreement For The Conduit Modernization Program

Int. No. 312 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$530,000 Bonds Of Said City To Finance The Cost Of The Design And Inspection Of A Cathodic Protection Program For City Water Supply Conduits

Int. No. 313 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$400,000 Bonds Of Said City To Finance The Cost Of The Replacement Of City Water Supply Conduits

Int. No. 314 - Authorizing An Agreement With The Unified Court System For Funding For Maintenance Services

Int. No. 315 - Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

Int. No. 316 - Authorizing An Agreement With The Rochester Housing Authority For Refuse Collection

Int. No. 317 - Establishing Maximum Compensation For Professional Services Agreements For Construction Resident Project Representation Services

Int. No. 318 - Amending The Municipal Code With Respect To Fees For Permits For Oversized And Overweight Vehicles

Int. No. 319 - Establishing Maximum Compensation For A Professional Services Agreement For The Driving Park/LaGrange/Newberry Beautification Project

Int. No. 320 - Establishing Maximum Compensation For A Professional Services Agreement For The West Main Street Streetscape Project

Int. No. 321 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$90,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of The Design Of Certain Street Related Improvements For The West Main Street Streetscape Project

Int. No. 330 - Authorizing Agreements For The Port Of Rochester Security/Intelligent Transportation System Project And Appropriating Funds

The Parks, Public Works & the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 331 - Amending Ordinance No. 2002-368 Relating To Changes In The Pavement Width Of South Plymouth Avenue And Bartlett Street And At The Intersection Of South Plymouth Avenue With Ford Street And With Bartlett Street

Int. No. 332 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,600,000 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The South Plymouth Avenue Improvement Project

Int. No. 333 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$936,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The South Plymouth Avenue Improvement Project

Int. No. 334 - Establishing Maximum Compensation For A Professional Services Agreement For The South Plymouth Avenue Public Improvement Project And Appropriating Funds

Int. No. 335 - Dedication Of Parcels To Street Purposes As Part Of The South Plymouth Avenue Public Improvement Project

Int. No. 336 - Abandonment Of A Portion Of Bartlett Street

Respectfully submitted,
Robert J. Stevenson

Brian F. Curran
Adam C. McFadden
PARKS, PUBLIC WORKS & THE ENVIRONMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-281, 2004-282,
And 2004-283

Re: Conduit Modernization Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the conduit modernization project. This legislation will:

1. Authorize an agreement with O'Brien & Gere of 400 Andrews Street, for the design and resident project inspection services for the cathodic protection of approximately 19 miles of water supply conduit, at a maximum cost of \$530,000;
 - a. Authorize the issuance of bonds in the amount of \$530,000 and appropriate the proceeds thereof to finance this cost; and
2. Authorize the issuance of bonds in the amount of \$400,000 and appropriate the proceeds thereof to finance the construction of replacing a section of water supply conduits.

The City's conduit system extends from the filtration plant at Hemlock Lake to the reservoirs at Cobbs Hill and Highland Parks. The system is used to transport large volumes of water to the reservoirs and to supply water to the Livingston County Water and Sewer Authority, the towns of Livonia, Lima and West Bloomfield and the Monroe County Water Authority.

The majority of the system consists of pipes ranging in age from 86 to 130 years. The total length of pipe in the conduit system is approximately 84 miles.

In 2001, the City began implementing a modernization program for its conduit system. This program provides for cathodic protection of selected portions of the system and pipe replacement and/or rehabilitation in areas where cathodic protection is not viable and the condition of the conduit is known to be poor. The initial phase of cathodic protection began in 2001. The initial phase of conduit replacement began earlier this year.

This proposed project will be the final phase of the cathodic protection component of the conduit modernization program. It will involve approximately 19 miles of existing Conduits 2 and 3 within two geographic sections. The southernmost section is located in the Towns of Richmond and Lima. The northernmost section is located in the Towns of West Bloomfield and Mendon.

The submission of qualifications were requested from fourteen local engineering firms. Ten firms responded to the request. Proposals were solicited from four of the latter firms. O'Brien & Gere is recommended because of their team's combined experience designing and inspecting large diameter pipeline projects and cathodic protection systems.

Under the proposed agreement, O'Brien & Gere will design and inspect this project. Design will begin

in the fall of 2004. Construction is anticipated to begin in the summer of 2005 and be completed by the winter of 2006.

The conduit replacement project will involve replacing approximately 1000 feet of Conduits 2 and 3 in the vicinity of two high pressure gas transmission pipelines, in the Town of West Bloomfield. This project will be designed and inspected by Water & Lighting Bureau staff. Construction is expected to begin in October and be completed by December.

The Monroe County Water Authority is expected to reimburse the City for 54% of the cost for the pipe replacement project, in accordance with the agreement authorized by City Council on April 25, 1978.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-108

Ordinance No. 2004-281
(Int. No. 311)

Establishing Maximum Compensation For A Professional Services Agreement For The Conduit Modernization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$530,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and O'Brien & Gere for design and resident project inspection services for the Conduit Modernization Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-282
(Int. No. 312)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$530,000 Bonds Of Said City To Finance The Cost Of The Design And Inspection Of A Cathodic Protection Program For City Water Supply Conduits

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the design and inspection of a cathodic protection program for approximately 19 miles of City water supply Conduits 2 and 3 in the Towns of Richmond, Lima, West Bloomfield and Mendon, New York (the "Project"). The estimated maximum cost of said specific object or purpose described herein (and constituting only a portion of the master development plan), including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be approximately \$530,000. The plan of financing includes the issuance of \$530,000 bonds of the City, and said amount is hereby appropriated therefor, and the levy

and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$530,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$530,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.1 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied

with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-283
(Int. No. 313)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$400,000 Bonds Of Said City To Finance The Cost Of The Replacement Of City Water Supply Conduits

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the replacement of approximately 1000 feet of City water supply Conduits 2 and 3 in the Town of West Bloomfield, New York (the "Project"). The estimated maximum cost of said specific object or purpose described herein (and constituting only a portion of the master development plan), including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be approximately \$400,000. The plan of financing includes the issuance of \$400,000 bonds of the City, and said amount is hereby appropriated therefor, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$400,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$400,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.1 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-284
Re: Agreement - NYS Unified Court System

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a new five-year agreement with the NYS Unified Court System for cleaning services and minor and emergency repairs by the City of the interior of the City Court Criminal Branch facilities within the Monroe County Public Safety Building, 150 South Plymouth Avenue.

The Unified Court System permits the local court administrator to contract for maintenance services. Under the terms of the proposed agreement, the City will be reimbursed for the full cost of these services.

The original five-year agreement was authorized by Council on February 16, 1999. During the agreement, the City was reimbursed an average of \$90,000 per year.

The term of the proposed five-year period would expire March 31, 2008. The estimated annual reimbursement is \$91,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-284
(Introductory No. 314)

Authorizing An Agreement With The Unified Court System For Funding For Maintenance Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Unified Court System for reimbursement for cleaning services and minor and emergency repairs to the interior of the City Court facilities in the Monroe County Public Safety Building. The agreement may extend for a period not to exceed five years.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-285
Re: Agreement - NYS Department of Transportation, Snow Removal

R2010: Campaign 7- Quality Service

Transmitted herewith for your approval is legislation authorizing the extension of a three-year agreement with the NYS Department of Transportation for the

provision by the City of snow and ice removal services on the following state highways:

1. Lake Avenue, from Lyell Avenue to W. Ridge Road; and
2. Plymouth Avenue, from Commercial to Troup Streets.

The total length of these two streets is 2.7 miles.

The City has provided these services since 1978 pursuant to periodic agreements. The most recent agreement was authorized by City Council on September 23, 2003.

The proposed agreement extends the existing agreement from June 30, 2006 to June 30, 2007; an extension that is required by the NYSDOT. However, the requirement for an agreement for snow removal services on Plymouth Avenue will actually be eliminated in the future when jurisdiction of the street is formally transferred from the State to the City.

Under the terms of the proposed agreement, the State will reimburse the City \$34,083 for snow and ice removal performed during the 2004-05 winter, which is \$424 more than the prior amount.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-285
(Int. No. 315)

Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation for the provision by the City of snow and ice removal services on Lake Avenue, from Lyell Avenue to West Ridge Road, and on Plymouth Avenue, from Commercial Street to Troup Street, through June 30, 2007. The agreement shall obligate the State to reimburse the City for such services.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-286
Re: RHA, Refuse Collection Services

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Housing Authority for the continued collection by the City of refuse and recyclable materials from RHA facilities.

The City currently provides refuse collection services for all of RHA's 294 homestead and 42 non-home-

stead properties.

Current collection volumes and revenues are as follows:

	Tons	Revenues
Homestead	576	\$113,727
Non-Homestead	1,725	274,700
Total	2,301	\$388,427

The homestead (three units or less) properties are required to utilize City services, but RHA may contract with any refuse collector for service to its non-homestead properties.

Under the proposed agreement, RHA will continue to commit the use of all of its non-homestead properties through July 31, 2008. The City will guarantee that the fees charged to RHA for service to both its homestead and non-homestead properties will remain unchanged through June 30, 2005. After that time, the fees are subject to change annually thereafter with City Council approval.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-286
(Int. No. 316)

Authorizing An Agreement With The Rochester Housing Authority For Refuse Collection

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Authority (RHA) for the City to collect refuse and recyclables from all RHA facilities through July 31, 2008.

Section 2. The agreement shall obligate the RHA to pay the City of Rochester for these services at the current fees through June 30, 2005. Fees may be changed annually thereafter with Council approval.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-287
Re: Agreement - Resident Project Representation Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing agreements with the following firms for resident project representation services:

Firm	Amount
Address	

Corneles Engineering P.C \$ 70,000
3495 Winton Place, Rocheser, NY 14623

Fisher Associates 70,000
 135 Calkins Road, Rochester, NY 14623

Total \$140,000
 The agreements will be financed from the 2000-01 Street Cash Capital allocation of the Department of Environmental Services in the amount of \$117,000, and the 2000-01 Water Cash Capital allocation of the DES in the amount of \$23,000.

Typically, resident project representation or inspection services for construction projects are provided by either City personnel or private consultants on a project-by-project basis. However, during peak periods of the summer construction season the Department of Environmental Services utilizes general or temporary resident project representation services. The proposed agreements are intended to expedite private consultant assignments. This will facilitate project management and completion by providing greater flexibility with respect to the assignment of both City personnel and private consultants.

The duration of the proposed agreements will be for two years.

Currently, the City uses Passero Associates and Fisher Associates as authorized by the City Council on July 23, 2003. The following is a summary of the use of these agreements (for a maximum of \$60,000 each):

Firm	Assignments	Total Fees
Passero Associates	Plymouth/Exchange Trail and Davis Street Projects	\$59,120
Fisher Associates	Curb Replacement 2004, Central Avenue and Kenwood Avenue Projects	58,242

Corneles and Fisher were selected for the new contract based on demonstrated skill and expertise, past performance, and availability of personnel. Under the terms of the proposed agreements, resident project representation services will be provided at specified hourly rates for a variety of projects as required by DES. These rates are as follows:

Firm	Hourly Rates
Corneles Engineering P.C.	\$15.00/Hr. to \$24.20/Hr.
Fisher Associates	\$11.00/Hr. to \$30.00/Hr.

The assignment of projects between the firms will be based upon their special skills, expertise and availability of personnel. The total cost of all assignments to any particular firm under the proposed agreements will not exceed \$70,000 during the term of their agreements.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2004-287
 (Int. No. 317)

Establishing Maximum Compensation For Professional Services Agreements For Construc-

tion Resident Project Representation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$70,000 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements between the City and Corneles Engineering, P.C., and Fisher Associates for construction resident project representation services for two years. The agreements may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Said amounts shall be funded from the 2000-01 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-288
 Re: Municipal Code Revision
 Section 104-57 and 111-78

R2010: Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is legislation which will amend the City Code provisions related to permit fees from the City Engineer. The legislation will :

1. Increase permit fees currently authorized in Section 111-78 Vehicle and Traffic, of the Municipal Code, Oversized and Overweight vehicles as follows:

Activity or Object	Current Fee	Proposed Fee	Permit
Oversized and Overweight Vehicles	\$ 60	\$ 120	1 Time/ 1 vehicle
	\$ 250	\$ 350	1 Year/ 1 vehicle
	\$1,000	\$ 1400	1 Year/ 4 or more vehicles

2. Amend Section 104-57, Subsection B of the Municipal Code to incorporate the fees related to Oversized and Overweight Vehicles above; and to subsequently remove the fee values from Section 111-78; and
3. Amend Ordinance No. 2004-170 (approved by Council June 22, 2004), to delete the fees language related to Vehicles in the Right-of-Way.

The proposed new fees for Oversized and Overweight Vehicles will provide adequate compensation for City review of applications and administration of permits. The new fees are in line with fees imposed by other municipalities for similar commercial use of the right-of-way. The proposed legislation will improve upon the structure of the Municipal Code by relocating the fee values from Section 111-78, to Section 104-57, where all other permit fees from the City Engineer are legislated.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2004-288
(Int. No. 318)

Amending The Municipal Code With Respect To Fees For Permits For Oversized And Overweight Vehicles

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 104-57 of the Municipal Code, relating to fees for permits from the City Engineer, as amended, is hereby further amended by amending the chart in subsection A by deleting the Activity or Object "Vehicles in the right of way" and fees added by Ordinance No. 2004-170 and by amending subsection B by adding to the end thereof the following new sentences:

The fee for a one-time use permit for an oversized or overweight vehicle as required by Section 111-78 of the Municipal Code shall be \$120. An annual permit for one oversized or overweight vehicle shall be \$350, while an annual permit for four or more such vehicles shall be \$1,400.

Section 2. Section 111-78 of the Municipal Code, relating to oversized and overweight vehicles, as amended, is hereby further amended to read in its entirety as follows:

§ 111-78. Oversized and overweight vehicles.

Upon application in writing to the City Engineer, a permit may be issued for the operation and movement of a vehicle or combination of vehicles, the weights or dimensions of which exceed the limitations set forth in § 385 of the New York Vehicle and Traffic Law, provided that no such permit may be issued for the towing of more than two vehicles. Such permit may contain restrictions relating to the routes to be traversed, the hours of operation and such other restrictions and conditions as the City Engineer deems to be appropriate. A permit allowing operation and movement of a self-propelled rubber-tired vehicle or vehicles may be issued to the owner thereof on an annual basis, so long as satisfactory proof is given by the owner to justify the issuance of such annual permit. In all other instances involving vehicles which carry an over dimension load or an overweight load, and in other instances deemed appropriate by the City Engineer, a permit shall be obtained for each operation or use, and permission must be given for the route to be traveled. All permits issued hereunder shall be revocable by the City Engineer at his or her discretion without a hearing or the necessity of showing cause for the revocation. The fees for such permits are set forth in Subsection 104-57B of the Municipal Code.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-289
Re: Arboriculture Study for Driving Park/LaGrange/Newberry Beautification Project

R2010: Campaign 6- Economic Vitality
Campaign 4- Environmental Stewardship

Transmitted herewith for your approval is legislation authorizing an agreement with Trowbridge & Wolf, LLP Landscape Architects of Ithaca N.Y. for professional arboricultural services at a maximum cost of \$20,000, which will be funded from previously authorized bonds.

The project is intended to support beautification and economic development in the area of Driving Park Avenue, between Mt. Read Blvd and Newberry Street. It will include diagnosis of the causes of unacceptable rates of street tree mortality, and will result in plans and recommendations for the successful establishment of street trees.

Proposals for professional services for the project were solicited from three firms. Trowbridge & Wolf, LLP, was the only firm to submit a proposal. They are being recommended because of the unique qualifications in urban arboriculture of their staff are not available locally, and the firm is able to perform the required services within the time period specified by the City.

The improvements, including inspection and contingencies, are expected to cost an additional \$30,000, which will also be financed from previously authorized bonds.

The schedule for re-planting is anticipated in Spring 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-109

Ordinance No. 2004-289
(Int. No. 319)

Establishing Maximum Compensation For A Professional Services Agreement For The Driving Park/LaGrange/Newberry Beautification Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Trowbridge & Wolf, LLP, for arboricultural services for the Driving Park/LaGrange/Newberry Beautification Project. Said amount shall be funded from Bond Ordinance No. 2000-369.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-290 And
Ordinance No. 2004-291
Re: West Main Street Streetscape Project

R2010: Campaign 6 - Economic Vitality
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the West Main Street Streetscape Project.

This legislation will:

1. Authorize an agreement with Bergmann Associates, 200 First Federal Plaza, for design of streetscape improvements at a maximum cost of \$90,000; and
2. Authorize the issuance of bonds totaling \$90,000 and appropriation of the proceeds thereof to finance the costs of design of improvements.

The project is intended to support planned economic development, through the design of a streetscape plan for West Main Street, extending from Broad Street to Madison Street. The project includes the construction of such streetscape improvements as special sidewalks, street lighting and street trees, on West Main Street from Canal Street to Madison Street.

Proposals for design services for the project were solicited from four firms; three were received on July 9, 2004. Bergmann Associates is being recommended because of the qualifications of the personnel assigned to the project and ability to perform the required services within the time period specified by the City.

The proposed improvements, including inspection and contingencies, is expected to cost \$710,000 which will be financed through the issuance of bonds. Construction is expected to begin in Spring 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-110

Ordinance No. 2004-290
(Int. No. 320)

Establishing Maximum Compensation For A Professional Services Agreement For The West Main Street Streetscape Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for design of the West Main Street Streetscape Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-291
(Int. No. 321)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$90,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of The Design Of Certain Street Related Improvements For The West Main Street Streetscape Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County

of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the design of new sidewalks, street lighting and trees relating to the City's West Main Street Streetscape Project (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$90,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$90,000 principal amount of bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$90,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 24 of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the

Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-292
Re: Port of Rochester Security/Intelligent Transportation System Project

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation which will:

- 1. Authorize an agreement with the Federal Highway Administration for the receipt and use of a \$937,500 grant to fund the design and construction of a Port of Rochester Security/Intelligent Transportation System project;
- 2. Appropriate said funds; and
- 3. Authorize any agreements necessary to implement the project.

The City of Rochester has obtained a 100% federally-funded grant for \$937,500 from the Federal Highway Administration for implementation of an Intelligent Transportation System project. ITS uses advanced computer, communication, and electronic sensor technology applications for transportation systems. The grant will apply these advanced technologies to the multi-modal transportation system at the Port of Rochester.

Unlike other Federal Highway Administration projects, the exact project components are not required to be defined at this early stage of the project. Instead, the system components will be selected as part of a detailed design/systems integration study phase.

Pre-planning for the project has identified several components which could be included. These are:

- 1. A Port of Rochester traveler information/Port directory web site
- 2. Ferry terminal electronic kiosks for e-ticketing and traveler information
- 3. Video phones for small boat US Customs inspections
- 4. NextBus/NextFerry electronic signs displaying arrival times
- 5. Roadside dynamic signs that could display a variety of messages (e.g., directions, traffic and weather conditions)
- 6. Traffic video camera with fiber optic connections from the Port to the Regional Traffic Operations Center on Scottsville Road
- 7. Real-time ferry information posted on the New York Thruway's Highway Advisory Radio system, the New York Traveler Information Gateway website, and the City of Toronto's Roadway/Traveler Information automated phone system

The goal of the Port ITS project is to contribute to making the Port of Rochester a secure, efficient, and easy to use international port by using advanced computer and communication technologies.

The study and design of the ITS improvements is expected to begin in the spring of 2005 with construction to be completed early in 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-292
(Int. No. 330)

Authorizing Agreements For The Port Of Rochester Security/Intelligent Transportation System Project And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into necessary agreements to obtain federal funding for the Port of Rochester Security/Intelligent Transportation System Project.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. There is hereby appropriated from the funds obtained under the grant agreements authorized in Section 1 the sum of \$937,500, or so much thereof as may be necessary, to fund the Port of Rochester Security/Intelligent Transportation System Project.

Section 4. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-293, 2004-294,

2004-295, 2004-296, 2004-297,
And 2004-298
Re: South Plymouth Avenue Public
Improvement Project (Ford Street
to Barton Street)

R2010: Campaign 7 - Quality Services
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the South Plymouth Avenue (Ford Street to Barton Street) Public Improvement Project. This legislation will:

1. Authorize a decrease of the pavement width of Bartlett Street, from the existing 36 - 42 feet, to 28 feet from South Plymouth Avenue to Olean Street; and the realignment of Bartlett Street at its intersection with South Plymouth Avenue;
2. Amend Ordinance #2002-368 as described on the attached summary, "Amendment to Ordinance #2002-368", to allow for a longer recessed parking lane north of Jefferson Avenue along the north curbline as requested by the adjacent property owner, to accommodate the realignment of Bartlett Street and to reflect a revised design of the traffic roundabout. These changes were endorsed by the Traffic Control Board at the August 10, 2004 meeting.
3. Authorize the issuance of bonds:
 - a. In the amount of \$1,600,000 and appropriate the proceeds thereof to finance the cost of a portion of the street improvements and the gateway enhancements;
 - b. In the amount of \$936,000 and appropriate the proceeds thereof to finance the cost of the water improvements;
4. Appropriate \$2,305,500 in anticipated reimbursements from Monroe County to also finance a portion of the costs of the street improvements;
5. Authorize a professional services agreement with FRA Engineering, P.C., 530 Summit Point Drive, Henrietta, New York, in the amount of \$480,000, for resident project representation services; and
6. Amend the Official Map by dedicating two parcels as public right-of-way, and to abandon a portion of Bartlett Street.

FRA Engineering, P.C. performed the final engineering design for the South Plymouth Avenue project, as authorized by City Council in Ordinance No. 2002-369 at the November 19, 2002, meeting.

The project includes rehabilitation of the pavement south of Bartlett Street; reconstruction of the pavement north of Bartlett Street; replacement of curbs, sidewalks, driveway aprons and streets lights; new water main from Ford Street to Flint Street; new hydrants and replacement of water services; new pavement markings, signal equipment upgrades; landscaping; and geometric changes, including a modern traffic roundabout at the Ford Street/Plymouth Avenue intersection.

The project also includes gateway enhancements which consist of decorative lighting fixtures, colored

and stamped concrete at various locations within the project, and a planting bed in the roundabout island.

Bids for construction were received on July 29, 2004. The work will be performed by DiFiore Construction, Inc., at a cost of \$ 3,917,172, which is 11% more than the engineer's estimate. An additional \$515,328 (13%) will be allocated for contingencies, which include street lighting costs and other items not included in the contract. This contract includes Apprenticeship Training Program requirements and Public Works Incentive Program provisions as authorized by City Council on October 21, 2003.

The cost of the categories of work for the project based upon the bid amount are as follows:

Category	Construction	Contingency
	RPR	Total
Street		
County	\$2,305,500	\$ 0
City	788,071	432,585
Water	766,288	76,928
Gateway Enhancement	92,784	936,000
	57,313	5,815
	7,872	71,000
Total	\$3,917,172	\$515,328
	\$480,000	\$4,912,500

The cost of the street improvements will be financed from proceeds of the proposed street bond and anticipated reimbursements from Monroe County. The cost of the water improvements will be financed from proceeds of the proposed water bond. The cost of the gateway enhancements will be financed from the proceeds of the proposed street bond.

Dedication of portions of two City-owned parcels will be required to accommodate the proposed realignment of the Bartlett Street/South Plymouth Avenue/Edith Street intersection. Information on the two parcels to be dedicated are as follows:

Address	Owner	Sq. Ft.
667 S. Plymouth Avenue	City of Rochester	657
664 S. Plymouth Avenue	City of Rochester	100

Additionally, the realignment will allow the abandonment of a portion of Bartlett Street. Maps and legal descriptions of the two parcels to be dedicated and the portion of the Bartlett Street ROW to be abandoned are attached.

The City Planning Commission will hear the request for the Official Map Amendments on August 16, 2004.

FRA Engineering, P.C. was chosen for resident project representation services due to their understanding of the project and their qualifications.

Construction is scheduled to begin in the fall of 2004 and be substantially completed by the fall of 2005. A public informational meeting was held on April 8, 2002. The minutes to this meeting have previously been forwarded. Another public meeting was held on November 3, 2003. The minutes to that meeting are attached. An additional public informational meeting will be held prior to the start of construction.

A public hearing on the Official Map Amendments and pavement width changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-111

Ordinance No. 2004-293
(Int. No. 331)

Amending Ordinance No. 2002-368 Relating To Changes In The Pavement Width Of South Plymouth Avenue And Bartlett Street And At The Intersection Of South Plymouth Avenue With Ford Street And With Bartlett Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2002-368, relating to approval of the South Plymouth Avenue Public Improvement Project and pavement width changes, is hereby amended by amending the following pavement width changes made in Section 2 thereof or by adding the following changes:

- b. On the west side of South Plymouth Avenue
 2. An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 216 feet south of Jefferson Avenue to a point 87 feet north of Jefferson Avenue, and;
 9. An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 58 feet south of Bartlett Street to a point 96 feet south of Ford Street.
- c. On the east side of South Plymouth Avenue
 9. An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 46 feet south of Doran Street to a point 96 feet south of Ford Street.
- d. Geometric changes at the intersection of Ford Street and South Plymouth Avenue which will replace the existing signalized intersection with a modern traffic roundabout. These changes are:
 1. The installation of a circular, 78 foot diameter center island, and;
 2. The installation of a 18 foot wide circulatory traffic lane around the island, and;
 3. A taper on Ford Street from an existing width of 24 feet on either side of the median to a variable width of 24 feet to 16 feet on either side of the median beginning 448 feet west of South Plymouth Avenue to 60 feet west of South Plymouth Avenue, and;
 4. A taper on Ford Street from an existing variable width of 24 feet to 36 feet on either side of the median to a variable width of 24 feet to 16 feet on either side of the median beginning 490 feet east of South Plymouth Avenue to 60 feet east of South Plymouth Avenue, and;
 6. An additional tapering narrowing of 8 feet to 6 feet on South Plymouth Avenue on either

side of the median to eliminate the parking lanes, beginning at a point 96 feet south of Ford Street to a point 60 feet south of Ford Street.

- e. A decrease in the pavement width of Bartlett Street, from the existing 36 - 42 feet, to 28 feet from South Plymouth Avenue to Olean Street; and the realignment of Bartlett Street at its intersection with South Plymouth Avenue.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-294
(Int. No. 332)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,600,000 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The South Plymouth Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction of streets and the cost of gateway enhancements, including but not limited to upgraded street lighting, colored and stamped concrete at various locations and a planting bed in the roundabout island at the Ford Street/South Plymouth Avenue Intersection, as a part of the South Plymouth Avenue Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,905,500. The plan of financing includes the issuance of \$1,600,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$2,305,500 in anticipated reimbursements from the County of Monroe appropriated at this meeting, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,600,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-295
(Int. No. 333)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$936,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The South Plymouth Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the South Plymouth Avenue Improvement Project in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$936,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$936,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$936,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$936,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any

notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2004-296
(Int. No. 334)

Establishing Maximum Compensation For A Professional Services Agreement For The South Plymouth Avenue Public Improvement Project And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$480,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C., for resident project representation services for the South Plymouth Avenue Public Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$387,216 shall be funded from a bond ordinance for street improvements and \$92,784 shall be funded from a bond ordinance for water improvements.

Section 2. The sum of \$2,305,500, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the County of Monroe to fund the South Plymouth Avenue Public Improvement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-297
(Int. No. 335)

Dedication Of Parcels To Street Purposes As Part Of The South Plymouth Avenue Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Edith Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows:

Beginning at a point on the southerly right-of-way line of South Plymouth Avenue (66.0' R.O.W.) with the intersection of the easterly right-of-way line of Edith Street (50.0' R.O.W.); thence

1. 36°26'00" along said southerly right-of-way line of South Plymouth Avenue, a distance of 8.00 feet to a point; thence
2. 144°10'41" a distance of 26.25 feet to a point on said easterly right-of-way line of Edith Street; thence
3. 306°26'00" and along said easterly right-of-way line of Edith Street, a distance of 25.00 feet to the point and place of beginning. Containing 100 sq. ft. of land, more or less.

Section 2. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Bartlett Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows:

Beginning at a point on the westerly right-of-way line of South Plymouth Avenue (66.0' R.O.W.) with the intersection of the south right-of-way line of Bartlett Street (62.0' R.O.W. and Width Varies); said point also being a point of curvature; thence

1. 216°26'00" and along said west right-of-way line of South Plymouth, a distance of 3.41 feet to a point; thence
2. Westerly along a curve to the left having a delta angle of 26°26'25", a radius of 152.00 feet, and an arc length of 70.14 feet, said curve also having a chord of 309°54'31" 69.52 feet to a point of tangency; thence
3. 296°41'18", a distance of 9.95 feet to a point on said south right-of-way line of Bartlett Street; thence

- 4. Easterly and along said south right-of-way line of Bartlett Street on a curve to the right having a delta angle of 18°49'53", a radius of 198.45 feet, and an arc length of 65.22 feet, said curve also having a chord of 112°19'36" 64.93 feet to a point of compound curvature; thence
- 5. Southerly and along said south right-of-way line of Bartlett Street on a curve to the right having a delta angle of 94°41'27", a radius of 15.00 feet, and an arc length of 24.79 feet, said curve also having a chord of 169°05'17" 22.06 feet to the point and place of beginning; Containing 657 sq. ft. of land, more or less.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-298
(Int. No. 336)

Abandonment Of A Portion Of Bartlett Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following parcel, heretofore dedicated to street purposes and constituting a portion of Bartlett Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows:

Beginning at a point on the westerly right-of-way line of South Plymouth Avenue (66.0' R.O.W.) with the intersection of the north right-of-way line of Bartlett Street (62.0' R.O.W. and Width Varies); said point also being a point of curvature; thence

- 1. 216°26'00" and along said west right-of-way line of South Plymouth Avenue, a distance of 10.00 feet to a point; thence
- 2. 234°26'30", a distance of 34.60 feet to a point of curvature; thence
- 3. Westerly along a curve to the left having a delta angle of 46°32'59", a radius of 201.00 feet, and an arc length of 163.30 feet, said curve also having a chord of 292°38'37" 158.85 feet to a point; thence
- 4. 269°22'08", a distance of 40.71 feet to a point; thence
- 5. 319°33'48", a distance of 7.81 feet to a point being the intersection of the east right-of-way line of Olean Street (62.0' R.O.W.) and the north right-of-way line of Bartlett Street; thence
- 6. 89°22'08", and along said north right-of-way line of Bartlett Street a distance of 60.26 feet to a point of curvature; thence
- 7. Easterly and along said north right-of-way line of Bartlett Street on a curve to the right having a delta angle of 33°56'33", a radius of

260.45 feet, and an arc length of 154.29 feet, said curve also having a chord of 106°20'24" 152.05 feet to a point of reverse curvature; thence

- 8. Southerly and along said north right-of-way line of Bartlett Street on a curve to the left having a delta angle of 86°52'40", a radius of 15.00 feet, and an arc length of 22.74 feet, said curve also having a chord of 79°52'20" 20.63 feet to the point and place of beginning; Containing 692 sq. ft. of land, more or less.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Stevenson moved to have Introductory No. 278 discharged from committee.

The motion was seconded by Councilmember Santiago.

The motion was adopted unanimously.

Introductory No. 278 was introduced July 27, and appears in its original form with its transmittal letter on page 253 of the current Council Proceedings.

Attachment No. AD-112

Councilmember Stevenson moved to amend Introductory No. 278.

The motion was seconded by Councilmember Santiago.

The motion was adopted unanimously.

Local Improvement Ordinance No. 1537
(Int. No. 278, As Amended)

Local Improvement Ordinance - Establishment Of The South/Alexander Open Space Special Assessment District

WHEREAS, the City-owned parcel at 62 Alexander Street will be developed as a landscaped open space, utilizing funds from the City through the Sector Targeted Funding Initiative program and funds from New York State, and

WHEREAS, the City wishes to assure the ongoing maintenance of such open space, and

WHEREAS, a substantial number of surrounding property owners have petitioned the City, requesting that a special assessment district be established to pay the annual maintenance costs,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the maintenance for a period of ten years of the landscaped open space at 62 Alexander St. (SBL #121.56-2-55), commencing upon the completion of such landscaping. Such maintenance shall include cutting grass, trimming shrubs, watering, weeding, trash pick-up and removal, fall leaf clean-up, lighting, repairs to structures and pavement, a reserve for replacement, and other similar services deemed appropriate.

Section 2. The Council finds that the maintenance of the open space will benefit the parcels within a dis-

trict described as follows: The Inner Tier of the district shall consist of properties fronting on South Avenue from Comfort Street to Hamilton Street and properties fronting on Alexander Street between South Clinton Avenue and Kirley Alley/Stebbins Street, but excluding the corner parcels at South Clinton Avenue. The Outer Tier of the district shall consist of the remaining properties in the area bounded by Mt. Hope Avenue, Byron Street, South Clinton Avenue, and Hamilton Street, including the parcels on the south side of Hamilton Street and the parcels fronting on South Avenue between Hamilton Street and Averill Avenue. The parcels are listed on an attachment filed in the City Clerk's Office. Such district is hereby defined to be the special assessment district for the maintenance costs of the South/Alexander Open Space, and the full amount of the annual maintenance costs shall be annually assessed against such parcels for each of the next ten years.

Section 3. The Council finds that the maintenance of the South/Alexander Open Space will benefit the parcels within the district in proportion to their assessed values, because property values will be enhanced thereby, and also in relation to their proximity to the open space. Therefore, the annual maintenance costs shall be allocated annually among the parcels in the district in proportion to their assessed values (without reduction for exemptions), with the parcels in the Outer Tier charged at half the rate as the Inner Tier parcels.

Section 4. The maintenance costs are estimated to be \$[7,300] 6,500 per year. The first-year special assessments shall be at a rate of \$0.40/\$1,000 of assessed value for the Inner Tier parcels, and \$0.20/\$1,000 of assessed value for the Outer Tier parcels. The rate for subsequent years shall be fixed at that time by the Council.

Section 5. The Council finds that it would be impracticable to select a maintenance contractor through competitive bidding, and designates the South Wedge Planning Committee to provide the maintenance.

Section 6. The special assessment district shall become effective upon the completion of the construction of the open space improvements and landscaping, and the maintenance special assessments shall be first billed on the next succeeding annual tax bill.

Section 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

By Councilmember Douglas
August 24, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 310 - Amending Ordinance No. 2004-232 Relating To The Good Grades Pay Program

Int. No. 322 - Cancellation Of Taxes and Charges

Int. No. 323 - Authorizing An Agreement With Respect To Underage Tobacco Enforcement

Int. No. 324 - Authorizing Agreements With Respect To Reducing Youth Violence And Amending The 2004-05 Budget

Int. No. 325 - Establishing Maximum Compensation For A Professional Services Agreement For Database Training

Int. No. 326 - Authorizing Agreements With Respect To Records Management And Amending The 2004-05 Budget

Int. No. 327 - Authorizing Agreements With Respect To A Records Retention Analysis And Amending The 2004-05 Budget

Int. No. 328 - Amending Chapter 8A Of The Municipal Code With Respect To Responsible Bidders

Int. No. 337 - Amending The 2003-04 Budget

Int. No. 338 - Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$50,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, 2005, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes

Int. No. 294 - Establishing Maximum Compensation For An Agreement For The 311/Call Reduction Unit And Amending The 2003-04 Budget

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran (Voted against Introductory No. 337)
Robert J. Stevenson
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-299
Re: Amending Ordinance No. 2004-232

R2010: Campaign 1 - Involved Citizens
Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation authorizing a technical amendment to Ordinance No. 2004-232, which was approved by Council in June 2004. This amendment will accomplish the following:

- 1. Remove City of Rochester in the amount of \$7,000 as a Good Grades Pay contractor, and,
- 2. Authorize an additional agreement with the Rochester City School District for \$7,000, which increases their total for the Good Grades Pay program to \$103,614.

This agreement will allow the RCSD to employ five youths in legal internships. This amendment will correct a clerical error in the original transmittal.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-299
(Int. No. 310)

**Amending Ordinance No. 2004-232 Relating To
The Good Grades Pay Program**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-232, relating to the Good Grades Pay Program, is hereby amended by deleting the allocation of \$7,000 for the City of Rochester in Section 1 and by authorizing an agreement in the additional amount of \$7,000 with the Rochester City School District for a legal internship program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-300
Re: Cancellation or Refund of Erroneous
Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$278,212.15.

A sum of \$273,280.78 or 98.23% of the total, is attributed to the value of public utility property that is also included in another tax account on the 2004 Final Assessment Roll.

An amount of \$2,400.00 or 0.86% of the total, relates to one property that had code violation charges that were levied in error.

Two properties with a tax amount of \$2,531.37 or 0.91% of the total, require cancellation due to the omission of personal tax exemptions from the 2004 Final Assessment Roll.

If this cancellation is approved, total cancellations thus far for 2004-05 will be \$ 278,212.15.

Cancellations	Accounts	Amounts
City Council	4	\$278,212.15
Administrative	0	_____
<u>0.00</u>		
Total	4	\$278,212.15

These cancellations represent .128% of the tax receivables as of July 1, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-300
(Int. No. 322)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

(a) A hearing for these MCVB tickets had been adjourned to June 21; they should have been removed from add-to-tax listing.

S.B.L.#: 091.800-004-043
Class: H
Address: 95 Eiffel Place
Tax Year: 2005
Amount Canceled: \$
2,400.00

(b) Owner applied for Sr. Citizens and Enhanced Star exemptions applicable to the 2004 Final Assessment Roll. Those exemptions should have been recorded on that roll along with a 15% Veterans exemption.

S.B.L.#: 047.470-0001-027.1
Class: H
Address: 4721 Lake Avenue
Tax Year: 2005
Amount Canceled: \$
1,151.14

(c) Owner-resident applied for Sr. Citizens and Enhanced Star exemptions applicable to the 2004 Final Assessment Roll. Exemptions should have been recorded on that roll.

S.B.L.#: 047.770-0001-050
Class: H
Address: 102 Atwell Street
Tax Year: 2005
Amount Canceled: \$
1,380.23

(d) The value of this telephone equipment located on private rights of way was also included in tax account 600.405-0000-000 on the 2004 Final Assessment Roll.

S.B.L.#: 600.380-0001-000
Class: NH
Address: Private rights-of-way
Tax Year: 2005
Amount Canceled:
\$273,280.78
Grand Total
\$278,212.15

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-301
Re: Underage Tobacco Enforcement Grant

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement between the City of Rochester and the County of Monroe Department of Health

for renewal funding under the Tobacco Enforcement Program of the New York State Department of Health, in the amount of \$32,000. Grant-related expenditures were included in the 2004-05 Budget.

Under the agreement, the Police Department will conduct inspections of licensed tobacco outlets, including cigarette vending machines, in the City of Rochester. These inspections monitor compliance with the age restrictions on tobacco sales. RPD officers accompany underage individuals who attempt to purchase tobacco illegally. The officers report any illegal sales and inspect the sellers' premises for proper documents and certificates. The funds provided by the Health Department may be used to reimburse overtime and fringe benefits for RPD officers participating in the enforcement details, hourly pay for underage agents, rental of unmarked vehicles, and educational advertisement costs related to compliance enforcement. The agreement requires a minimum of 400 compliance checks during the period July 1, 2004 through June 30, 2005.

This agreement continues an enforcement program begun in April, 1998 and most recently approved on September 23, 2003. In 2003-04, 74 illegal sales of tobacco were discovered during compliance checks at 401 locations, for a compliance rate of 81.5%, compared to 88% during the previous year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-301
(Int. No. 323)

Authorizing An Agreement With Respect To Underage Tobacco Enforcement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe, Department of Health, for funding for an Underage Tobacco Enforcement Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-302
Re: Pathways To Peace

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation which will:

1. Authorize an agreement with the New York State Division of Criminal Justice Services for receipt and use of a grant of \$239,320 with a local match of \$26,591, to fund the Youth Violence Strike Force in its programs designed to reduce youth crime;

2. Amend the 2004-05 Budget to reflect receipt and use of the grant;
3. Authorize an agreement with Monroe County for counseling services to be provided by Probation Officers; and
4. Authorize any other agreements necessary to implement the grant.

The Youth Violence Strike Force includes several community stakeholders, including members of the criminal justice system, individuals within the community, service providers, and governmental agencies. The City was designated as the lead agency for the coordination of this grant initiative offered by the NYS Division of Criminal Justice Services.

The Pathways to Peace Unit of the Mayor's Office will oversee the administration of the program initiatives and assume the following responsibilities:

- implementation of project goals,
- procedures and operations,
- adherence to data collection and progress reporting procedures,
- supervising the administration of contracts for related projects, and
- working closely with employees responsible for providing support for grant initiatives.

The grant will provide funds for the following purposes:

Three P/T Youth Intervention Specialists	\$ 82,468
Temporary upgrade of Senior Youth Intervention Specialist to Program Coordinator	15,492
FACIT P/T Youth Services Specialist - RPD	24,358
Overtime for administrative aide services	4,912
Overtime for Monroe County Probation Officers counseling to clients	44,833
*Functional Family Therapy Training/ Certification for eight people	64,220
RPD School Resource Officer fringe benefits	<u>3,037</u>
Total	\$239,320

*Functional Family Therapy is a national organization based in Seattle, WA. City staff will participate in training provided by them at Indiana University or University of Utah.

Local matching funds of \$26,591 to cover overtime and fringe benefits for RPD School Resource Officers will be funded from the 2004-05 Budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-113

Ordinance No. 2004-302
(Int. No. 324)

Authorizing Agreements With Respect To Reducing Youth Violence And Amending The 2004-05

Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding for the Youth Violence Strike Force.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the County of Monroe to provide funding for probation officers to assist the Youth Violence Strike Force. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$44,833, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 Budget of the Office of the Mayor.

Section 3. The Mayor is hereby further authorized to enter into an agreement with Functional Family Therapy to provide family therapy training for City employees. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$64,220, and said amount, or so much thereof as may be necessary, is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$27,400 and to the Office of the Mayor by the sum of \$132,200, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-303
Re: Agreement - Sigma Data Systems,
Inc. - Sigma Database Training

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Sigma Data Systems, Inc. of Tucson, Arizona, to provide training on Sigma 5 Applicant Management System, Enterprise Edition (AMS EE) Database. The maximum cost of this training will be \$40,000, which will be financed from the 2003-04 Budget (Cash Capital).

For the past 10 years, the Bureau of Human Resource Management has been using Sigma 4, a DOS- based database, to record applications for all advertisements, postings and exams. It also stores exam scores, produces eligible lists and produces certifications.

Sigma 5, a Windows-based database, is an upgrade which will allow BHRM to increase effectiveness and efficiency in performing routine activities. This agreement with Sigma Data Systems, Inc. will provide a total of 160 hours of training for 15 staff members.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AD-114

Ordinance No. 2004-303
(Int. No. 325)

Establishing Maximum Compensation For A Professional Services Agreement For Database Training

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Sigma Data Systems, Inc. for database training for the Bureau of Human Resource Management. Said amount shall be funded from the 2003-04 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-304
Re: Records Management Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the administration of the City's Records Management Program. This legislation will:

1. Authorize an agreement with the NY State Archives and Records Administration for receipt and use of a grant of up to \$74,000;
2. Amend the 2004-05 budget of the Department of Finance by \$74,000 to reflect the grant;
3. Authorize an agreement with Systems Development Group, Inc. for consulting services at a maximum cost of \$68,000 to index and microfilm property assessment records from 1834 to 1982 (the remaining \$6,000 will cover administrative costs).

The City has 122 cubic feet of property assessment record cards from 1834-1982. These cards contain original illustrations or photographs of the structure. These documents must be transferred to a medium that will ensure preservation of the record information while maintaining the excellent resolution of the historical photographs and pencil drawings.

The objectives of the grant are to: (1) produce a high quality microfilm for the preservation and protection of the pre-1982 records, (2) facilitate access and retrieval of the records, (3) prevent damage and loss of original documents due to handling, and (4) make the retrieval process quicker and more efficient. It will be used to scan property assessment record cards from 1834-1982 into an indexed system and to convert scanned images to microfilm. The City has a system in place for storage and retrieval of assessment records from 1983 to present.

Proposals were received from three vendors and Systems Development Group, Inc. was selected based on

experience and pricing. The project will be completed by June 30, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-304
(Int. No. 326)

Authorizing Agreements With Respect To Records Management And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Archives and Records Administration for funding for the indexing and microfilming of property assessment records.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Finance by the sum of \$74,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. The sum of \$68,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Systems Development Group, Inc. for the indexing and microfilming of property assessment records. Said amount shall be funded from the 2004-05 Budget of the Department of Finance.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-305
Re: New York State Grant -
Records Retention Analysis
R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation that will:

1. Authorize an agreement with the New York State Local Government Records Management Improvement Fund (LGRMIF) for receipt and use of a grant of \$35,000 that will enable the City to review the retention and storage of both paper and electronic records;
2. Authorize an agreement with the Center for Governmental Research (CGR) to conduct the study; and
3. Amend the 2004-05 Budget of the City Council/ Clerk to reflect receipt and use of this grant.

As you know, the City Clerk is the Records Management Officer for the City of Rochester. Under the proposed grant, CGR will conduct a business process

analysis to identify how the City creates, collects, maintains, and stores information and records, including both paper and electronic documents. The analysis will include the generation of records during the conduct of business, the flow of records between and among City departments, and the long-term storage of those records.

At the completion of the project, CGR will deliver a report that describes the current processes, identifies opportunities to improve efficiency and effectiveness in managing records, and provides an inventory of the major record series for which each department is responsible and where those records are housed. Although all departments will be surveyed, CGR will focus on the departments producing the largest number of business records.

It is anticipated that the project will be completed by June 30, 2005.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2004-305
(Int. No. 327)

Authorizing Agreements With Respect To A Records Retention Analysis And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Local Government Records Management Improvement Fund for funding to review the retention and storage of the City's paper and electronic records.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the City Council/Clerk by the sum of \$35,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Governmental Research, Inc. to review the retention and storage of the City's paper and electronic records. Said amount shall be funded from the 2004-05 Budget of the City Council/Clerk.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-306
Re: Responsible Bidder Amendment

R2010: Campaign 7 - Quality Service

Transmitted herewith for you approval is legislation

to amend the City's Responsible Bidder ordinance. In March 1997 the City Council adopted Ord. 97-111, which established standards to be considered when evaluating whether a bidder on a City public works project would be considered to be a "responsible bidder".

The purpose of that ordinance was to protect the City and the public from having to award contracts to bidders who are not qualified to perform the work or who have a history of poor performance, improper practices, violations of laws or safety regulations or other practices that indicate that they will be unlikely to perform the required work in compliance with the necessary standards of quality and public policy. The ordinance was also intended to create a level playing field so that responsible contractors who comply with all applicable laws and quality standards will not be undercut by irresponsible contractors who offer a price that appears lower in the short term but that may actually cost more in the long term because of problems with quality, timeliness or litigation that may arise when irresponsible contractors try to cut corners.

Recently it came to our attention that this ordinance applies only to public works contracts, which is defined to mean construction work. It does not currently apply to bidding of contracts for services. We believe that the same sound policy reasons that apply in construction contracts also apply in the case of contracts for services. The proposed amendment is intended to expand the existing law to cover contracts for services that are awarded by competitive bidding. It does not affect contracts that are awarded by other methods such as an RFP.

Respectfully submitted,
 Brian F. Curran
 Councilmember
 At-Large

Tim O Mains
 Councilmember
 At-Large

Ordinance No. 2004-306
 (Int. No. 328)

Amending Chapter 8A Of The Municipal Code With Respect To Responsible Bidders

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 8A of the Municipal Code, Purchasing and Property Management, as amended, is hereby further amended by amending the title of subsection 8A-7G(3) and the introductory to subsection 8A-7G(3)(a) to read in their entirety as follows:

- (3) Guidelines for responsibility determinations for the award of public works contracts and contracts for services.
 - (a) In determining the responsibility of a bidder for a public works contract or a contract for services in excess of \$50,000, or a contract for services that is not in a fixed amount if in either of the prior two years a substantially similar contract was in excess of \$50,000, the Purchasing Agent shall consider the following items in addition to the requirements already established in Subsection G(2) above. In the case of a contract for services that is bid in two or more parts, this section shall apply if the combined total of all such parts exceeds \$50,000:

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL:
 Ladies and Gentlemen:

Ordinance No. 2004-307
 Re: 2003-04 Budget Amendment

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2003-04 budget by transferring appropriations totaling \$2,012,600 from the Contingency Appropriation to the following:

Fire Department	\$ 947,900
Cash Capital Appropriation	877,500
Undistributed Expense	<u>187,200</u>
Total	\$2,012,600

The appropriation transfers are authorized by section 6-13 of the City Charter.

The City Council has previously authorized 48 other amendments to the 2003-04 budget. Those amendments reflect six appropriation transfers and 42 appropriation increases based upon the receipt of additional revenues.

Actual receipts and expenditures for 2003-04 will be audited by the City's external auditors, Deloitte & Touche. The current amendment is required to complete the audit and ensure adherence to section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

The increase to the Fire Department is for the negotiated settlement with the International Association of Fire Fighters union. It represents a 3% wage increase retroactive to July 1, 2003. The transfer to Undistributed represents the estimated additional cost of employee benefits associated with the wage increase.

The increase to Cash Capital Appropriations is for the following:

Demolition Funding	\$500,000
City-wide tree planting	100,000
Purchase of vehicles for Parks, Recreation, Human Services Dept.	150,000
Fire Department Defibrillators	10,000
Fire Department EMS Training Dummy	32,000
Police Department Firearms	42,500
Police Department Video Enhancement Equipment	<u>43,000</u>
Total	\$877,500

The additional demolition funding will be used to partially address the one year backlog in demolitions. The transfer for purchase of maintenance and service vehicles for the Parks, Recreation, and Human Services Department will increase allocations in the 2004-05 Cash Capital program that were reduced due to budget constraints. The defibrillators and EMS training dummy will provide up-to-date equipment for the Fire Department. The transfer for firearms will complete the purchase of Berettas in uniformed operations, completing the conversion. The transfer for purchase of video enhancement equipment will create in-house capability for the enhancement of surveillance tapes for crime analysis and evidence.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2004-307
(Int. No. 337)

Amending The 2003-04 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2003-220, the 2003-04 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$2,012,600 from the Contingency Account to the Rochester Fire Department (\$947,900), the Cash Capital Allocation (\$877,500), and Undistributed Expense (\$187,200).

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers Curran, Mains - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-308
Re: RAN - City School District

R2010: Campaign 2 - Educational Excellence
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of revenue anticipation notes totaling \$50 million. This legislation is proposed in anticipation of a resolution that will be considered by the Rochester Board of Education on August 19, 2004.

The City periodically issues revenue anticipation notes for the District because of the difference between the times the District expends funds and when it receives funds from the State. The District usually expends funds at a fairly uniform rate over its fiscal year, however, it receives its allocation of state education aid, its major source of revenue, later in the fiscal year.

While the City's contribution has been accelerated, the District will continue to experience a cash deficiency although at a lesser amount. At present, a cash deficiency is projected for late October. In order to avoid such a deficiency, a revenue anticipation note in the amount of \$50 million is required. The request is for the same amount as requested in 2003-04.

A note sale will be scheduled in October in order to maintain an adequate cash balance.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-308
(Int. No. 338)

Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$50,000,000 Revenue Anticipation Notes Of The City Of Rochester, New

York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, 2005, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the City of Rochester, in the State of New York (the "City" and "State", respectively), in the aggregate principal amount of not to exceed \$50,000,000, and any notes in renewal thereof, is hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due and payable to the City School District in the current fiscal year from New York State Education Grants and Basic Formula Aid to Education; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the City School District for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall mature within one year of the date of issuance thereof and may be renewed from time to time, but each renewal shall be for a period of not exceeding one year and in no event shall such Notes, or the renewals thereof, extend beyond June 30, 2006.

Section 4. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the City School District and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 5. Subject to the provisions of this ordinance and the Law, and pursuant to Sections 50.00, 56.00, 60.00 and 168.00 of the Law, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 6. The validity of the Notes authorized by this Ordinance may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the City School District.

Introductory No. 294 was introduced July 27, 2004, and appears in its original form with its transmittal letter on page 258 of the current Council Proceedings.

Ordinance No. 2004-309
(Int. No. 294)

Establishing Maximum Compensation For An Agreement For The 311/Call Reduction Unit And Amending The 2003-04 Budget

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Norwood - 1.

The meeting was adjourned at 9:32 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

**REGULAR MEETING
SEPTEMBER 28, 2004**

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 8.

Absent - Councilmember Norwood - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

ECD

Bonnie L. Coleman

RPD

Deral Givens

*William H. Peck

*Dominic J. Perrone

*Brenton D. Schicker

*John Terranova

DES

*John C. DeForest

*Lelia A. Phelps

DPRHS

*Charles R. Deering

Finance

*Joseph G. Hetzler

Library

*Kathleen M. Kosciol

Mayor's Office

*Corazon Becker

RFD

*James V. Giordano

**Not attending meeting.*

**APPROVAL OF THE MINUTES
By Councilmember Mains**

RESOLVED, that the minutes of the Regular Meeting of July 27, 2004 and August 24, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

**COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFICERS
AND OTHERS.**

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3780-7

**THE COUNCIL PRESIDENT - PRESENTATION
AND REFERENCE OF PETITIONS AND REMONSTRANCES.**

None presented.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Abandonment Of School Alley From West Broad Street To Its South End And Approving A Quit Claim Deed And Easements Int. No. 361 No speakers.

**REPORTS OF STANDING COMMITTEES AND
ACTION THEREON**

By Councilmember Norwood
September 28, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 339 - Authorizing The Sale Of Real Estate

Int. No. 340 - Accepting Donation Of Real Estate

Int. No. 341 - Amending The Municipal Code With Respect To Taxicab Fares, As Amended

Int. No. 362 - Authorizing The Sale Of 951 And 953 Genesee Street

Int. No. 363 - Authorizing An Agreement With The Sector 4 Community Development Corporation For The Sector Targeted Funding Initiative Program

Int. No. 366 - Resolution Endorsing Applications To The New York Main Street Program

Int. No. 367 - Authorizing The Sale Of Real Estate And Agreeing For The Olean & Kennedy Revitalization Project

Int. No. 368 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Olean & Kennedy Revitalization Project

Respectfully submitted,
 Wade S. Norwood (Did not vote on Int. No. 339 & Int. No. 340.)
 William F. Pritchard
 Adam C. McFadden (Abstained vote on Int. No.362, Int. No. 363 & Int. No. 366.)

Lois J. Giess
 Gladys Santiago
 HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-310
 Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of seventy-seven properties. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first seventy-one properties are structures that were sold at the June 24, 2004 Public Auction. The purchasers will be required to rehabilitate the structures in accordance with their legal uses within nine months of the closing.

The next two properties are structures that were sold at the June 24, 2004 Public Auction, subject to the acceptance of a development proposal. Both properties will be rehabilitated as single family structures.

The next two properties are single family structures that were sold through the Tenant Ownership Program for their appraised values. The purchasers will be required to reside at the properties for a minimum of seven years.

The last two properties are structures that are being sold to the former owners. The purchase prices include all delinquent taxes, interest and penalties.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AD-115

Ordinance No. 2004-310
 (Int. No. 339)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address S.B.L.#	Legal Use Purchaser	Price
86-88 Ackerman St. 107.45-1-54	2 Family Lavern T. Myles	\$17,100
56 Aldine St. 120.66-3-50	1 Family Charles F. Hain	27,400
310 Ames St. 120.25-3-73	1 Family Sherilyn Washington	8,700
36-38 Angle St. 105.66-2-46	2 Family Derrick F. Howard	13,900
15 Aurora St. 106.27-1-38	1 Family Ray Knight, Jr.	21,400
219 Avenue D 091.77-3-7	1 Family Roosevelt Cummings, Sr.	5,000
426 Avenue D 091.78-3-50	1 Family Sherilyn Washington	7,200
623 Avenue D 091.79-3-67	1 Family Sherilyn Washington	5,100
935 Avenue D 091.81-3-16	1 Family Ricardo Martinez	5,100
29 Berlin St. 106.23-3-15	1 Family Hassan Furqan	5,500
50-54 Berlin St. 106.23-1-1	1 Family Raymond C. Cook	3,800
180 Berlin St. 091.80-3-60	2 Family Barthelemy Adjavehouede & Pauline Azatassou	7,000
270 Berlin St. 091.81-3-68	1 Family John Rayburn	3,300
7 Borchard St. 091.70-3-30	1 Family Vonda Lewis	2,300
165 Cady St. 120.59-2-15	1 Family Calvin Cheek	7,100
268-270 Champlain St. 120.60-2-81	1 Family Osley Porter	4,900
587 Child St. 105.66-3-56	1 Family Claudia Spencer	5,500
153 Clifton St. 120.51-4-5	1 Family Hattie Norman & Reuben Robertson	5,900
1343 Clinton Av. N. 091.70-2-18	2 Family Steven & Beverly Brown	7,400
435-437 Columbia Av. 120.75-1-17	1 Family Sengane D. Dieng & Derrick Howard	10,100
128 Colvin St. 120.33-2-34	1 Family Lussene St. Joy	8,000
211 Colvin St. 120.33-2-18	1 Family Terry MacHenry, Jr.	4,000
208 Conkey Av. 106.21-3-25	1 Family Tiara Bonner	2,300
66 Dale St. 091.79-4-56	1 Family Victor Crawford	2,200
68 Eiffel Pl. 091.80-4-56	1 Family Hattie Norman & Reuben Robertson	5,400
117 Emerson St. 105.43-2-14	1 Family David T. Nothnagle	7,600
427 Emerson St. 105.41-2-51	1 Family Kenneth W. &	4,400

552-556 Emerson St. 105.41-1-6	Raymond S. Stone 2 Family	16,100
38-40 Essex St. 120.42-2-22	Sengane D. Dieng 1 Family	4,900
92 Evergreen St. 106.30-3-71	Derrick F. Howard 1 Family	2,600
1014 Exchange St. 121.77-1-48	Savoy Burke 1 Family	3,500
104 Fairbanks St. 091.73-4-41	Ernest Sampah & Kenyetta Rozier 1 Family	7,000
641 Frost Av. 120-66-1-75	Phyllis H. Piotteri 1 Family	7,100
25 Galusha St. 106.46-3-20	Barthelemy Adjavehouede & Pauline Azatassou 1 Family	3,300
42 Grape St. 105.84-3-73	William Burgess 1 Family	3,500
375 Hawley St. 120.75-2-27	Gisela Sone 1 Family	5,000
397-399 Hawley St. 120.75-2-22&21	J. Paul Dhillon 1 Family	7,600
484 Hawley St. 120.75-1-73	Valarie Trotman 1 Family	7,300
405 Hayward Av. 106.76-1-30	Gormanston Grannum 1 Family	6,000
310 Jay St. 105.84-1-32	Ricky C. Williams 2 Family	7,000
18 Lee Pl. 121.69-2-33.1	Hattie Norman & Reuben Robertson 1 Family	2,700
141 Lenox St. 120.66-1-41	J. Paul Dhillon 1 Family	7,500
120 Lewis St. 106.66-1-40.1	Joseph D' Alessandro 1 Family	1,800
148 Lewis St. 106.66-1-33	Lisette Roman 1 Family	2,400
78 Lowell St. 106.46-2-32	Victor Crawford 1 Family	12,900
15 Ludwig Pk. 091.80-1-65	Benancio A. Vasquez 1 Family	1,700
52 Lyndhurst St. 106.73-1-59.1	Nakia Salter 1 Family	12,300
99 Maryland St. 105.26-2-58	Roxanne M. Whitfield-Odle 1 Family	14,100
998 North St. 106.26-3-47	Dean & Joseph Stavalone 1 Family	7,500
32 Oakman St. 106.46-1-16	Ezatollah Toub 1 Family	18,100
41 Orange St. 105.84-3-12	Jeffrey Medford & Terrence Reeves 1 Family	4,200
132 Orange St. 105.83-3-29	Cesar Mena 1 Family	3,600
331 Orange St. 105.82-2-74	Daniel DeMonte 1 Family	3,700
36 Pardee St. 091.79-2-10	Marvin R. Webb 1 Family	2,800
39 Post Av. 120.56-3-35	Judith Leona Somersall 1 Family	6,000
11 Princeton St. 106.38-3-25	Herbert J. Purrier 1 Family	5,000
107 Remington St. 106.23-1-73	Doron Turner 1 Family	4,000
331 Reynolds St. 120.76-3-73	Jason Rivera 1 Family	4,100
42 Rockland Pk. 120.51-4-56	Osley Porter 1 Family	11,000
281 Saxton St. 105.83-1-17	Madelina Torres 1 Family	3,100
291 Scio St. 106.73-1-32	Nakia Salter 1 Family	6,200
129 Sixth St. 106.52-1-20	Flora Jones 1 Family	4,500
583 Smith St.	Savoy Burke 1 Family	2,800

105.83-2-21.2	Odin Smith 1 Family	2,600
591 Smith St. 105.83-2-19.3	Marvin R. Webb 1 Family	2,800
30 St. Jacob St. 106.25-2-34	Roosevelt Cummings, Sr. 1 Family	2,800
410-412 Tremont St. 120.52-1-30	Odin Smith 1 Family	2,800
124 Weld St. 106.74-1-68	Judith Leona Somersall 1 Family	2,000
50 Widman St. 106.40-1-35.1	Roosevelt Cummings, Sr. 1 Family	7,200
341 Wilkins St. 106.25-1-19	Sengane S. Dieng 1 Family	3,100
40 Wooden St. 120.51-4-77	Dexter Thomas 1 Family	4,400
29 Wright St. 120.34-1-56	Steven M. Bradley	

Section 2. The Council hereby further approves the sale of the following parcels of improved property with proposal by regular auction:

Address S.B.L.#	Legal Use Purchaser	Price
122 Hamilton St. 121.56-1-44	1 Family JNL Properties, LLC*	\$26,500
5 Silver St. 120.36-1-3	1 Family DeLois Crawford	800

* Officer: George Thomas

Section 3. The Council hereby further approves the sale of the following parcels of improved property through the tenant ownership program:

Address S.B.L.#	Legal Use Purchaser	Price
331 Cottage St. 135.27-2-10	1 Family Revera Walker	\$6,000
28 Sullivan St. 106.31-4-55	1 Family Jeannie M. Mawson	6,500

Section 4. The Council hereby further approves the sale of the following parcels of improved property by former owner sale:

Address Purchaser	S.B.L.#	Price
131 Avenue B Stephen S. & Kimberly Toland	106.21-1-58	\$2,396.94
129 Bartlett St. Fermon Broome, Sr.	120.68-3-23	2,042.00

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-311
Re: Real Estate Donation of 60
Fillmore Street

R2010: Campaign 9 - Healthy Urban

Neighborhoods

Transmitted herewith for your approval is legislation accepting the donation of title to property at 60 Fillmore Street. It is being donated by the owner, Rochester Housing Development Fund Corporation. The property consists of a vacant single-family dwelling that had been selected for inclusion in the Home Rochester Program. The house was subsequently damaged by fire to the extent that repairs would be cost prohibitive. Following acquisition, the City will demolish the structure at an estimated cost of \$20,000. The remaining vacant lot, which has a land area of 5,120 square feet, will be utilized for future residential development.

The property is to be conveyed with no outstanding liens or encumbrances. The donor will pay its pro-rata share of taxes and other charges against the property, at or before title transfer. City taxes and other current year charges shall be canceled from the date of closing forward. Any taxes levied after the date of closing shall also be canceled.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-311
(Int. No. 340)

Accepting Donation Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of the donation of 60 Fillmore Street, SBL #120.480-2-43, from the current owner, Rochester Housing Development Fund Corporation.

Section 2. City taxes and other charges against said parcel shall be canceled from the date of closing forward. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled. Said parcel shall be accepted free and clear of any outstanding liens or encumbrances.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentleman:

Ordinance No. 2004-312
Re: City Code Amendment - Taxicab Fares

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the City Code by increasing the maximum authorized fares and charges for taxicabs.

The present fares and charges were authorized by the City Council on April 18, 2000. Since that time the consumer price index has changed approximately 9%, while the local price of gas has increased by 41%.

The proposed increases in fares and charges reflect the increase in costs associated with the operation of a taxicab.

Present Proposed

First one-sixth mile	\$2.20	\$ 2.50
Each additional one-sixth mile	0.30	0.35
Each additional passenger	1.25	1.50
Non-airport minimum fare	4.50	5.00
Airport minimum fare	8.75	10.00

For the average trip of two miles, the proposed fare increases will result in an increase of \$0.90. The proposed increases reflect input received by the City Clerk from hack plate owners, including survey results received from ninety hack plate applicants.

Respectfully submitted,
Lois J. Giess Wade S. Norwood
President Councilmember-at-Large

Ordinance No. 2004-312
(Int. No. 341, As Amended)

Amending The Municipal Code With Respect To Taxicab Fares

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 108-12 of the Municipal Code, Rates of fare, as amended, is hereby further amended by amending subsections A(1)-(4) thereof to read in their entirety as follows:

- (1) As an initial charge: \$2.50 for the first passenger.
- (2) For each 1/6 mile or fraction thereof thereafter: \$0.35.
- (3) For each additional passenger: \$1.50 per passenger.
- (4) For each time call: a minimum fare of \$5.00.

Section 2. Section 108-12 of the Municipal Code, Rates of fare, as amended, is hereby further amended by amending subsection C thereof relating to airport rates by deleting the amount "\$8.75" in both places that it appears therein and by inserting in its place the amount "\$10.00".

Section 3. Section 108-12 of the Municipal Code, Rates of fare, as amended, is hereby further amended by amending the final sentence of subsection J thereof to read in its entirety as follows:

A senior citizen discount of \$1.00 per person 65 years of age or older shall apply for each trip.

Section 4. This ordinance shall take effect on October 18, 2004.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-313
Re: Real Estate Transaction - Sale
of 951 and 953 Genesee Street

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of City-owned property located at 951 and 953 Genesee Street for the combined appraised value of \$14,000. These properties are part of the Brooks Landing Revitalization Project and are included in Sub-Area III of the Brooks Landing Urban Renewal District. The appraised values of 951 and 953 Genesee Street are \$8,000 and \$6,000, respectively. These values were established by Kevin Bruckner, MAI, of Bruckner, Tillett, Rossi, Cahill and Leggett on May 19, 2004.

It is proposed that these two properties be sold to the Sector 4 Community Development Corporation, 89 Genesee Street, Rochester, New York 14611 (see attached list of officers, staff and board members), subject to finance commitments. 953 Genesee Street, a two-story 5,888 square foot vacant building will be renovated by Sector 4 Community Development Corporation and developed as a retail coffee shop with seating. 951 Genesee Street, a two-story 1,892 square foot vacant building will be demolished to provide parking and access to serve the coffee shop.

The total project cost is estimated at \$337,000 with the following breakdown of funds:

Sources

Sector Targeted Matching Grant	\$100,000
Bank/Investor Financing	0
Other (\$50,000 In-kind; \$187,000 Private, Not-For-Profit and Foundation Support)	<u>237,000</u>
Total Sources	\$337,000

Uses

Property Acquisition	\$ 14,000
Design & Legal Costs	50,000
Construction Costs	<u>273,000</u>
Total Uses	\$337,000

It is proposed that demolition of 951 Genesee would take place in October 2004. Once the building is demolished and cleared, construction of the project will commence with a planned completion date of April 2005. The builder for this project is Phoenix Builders & Contractors, Inc. who has completed projects of similar magnitude, a list of which is attached.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

This project is consistent with plans for the Brooks Landing Urban Renewal Plan and is endorsed by Sector 4 and Sector 4 CDC.

It is anticipated that the proposed redevelopment of 951 and 953 Genesee Street will create four to six full-time and eight to twelve part-time jobs as well as 15-20 construction jobs.

As you are aware, City Councilmember Adam McFadden, serves on the Board of Directors for the Sector 4 Community Development Corporation; and, John Borek, a part-time City Council staff member, is also the Director of The Sector 4 CDC.

Respectfully submitted,
William A. Johnson, Jr.

Mayor

Attachment No. AD-116

Ordinance No. 2004-313
(Int. No. 362)

Authorizing The Sale Of 951 And 953 Genesee Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of 951 and 953 Genesee Street, SBL #135.34-2-34 and 135.34-2-33, to the Sector 4 Community Development Corporation for the sum of \$14,000.

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

Councilmember McFadden abstained vote because he serves on the Board of Directors for one of the affiliated agencies.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-314
Re: Agreement - Sector 4 Community Development Corporation (CDC)
R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with The Sector 4 Community Development Corporation, 89 Genesee Street, to fund project development costs associated with the Sector Targeted Funding Initiative Program(STFI). The maximum cost of this agreement will be \$100,000, which will be financed from the 2004-05 Unallocated Urban Development Action Grant loan and interest repayments/City Development Fund.

The STFI Program, established in December 2000 as part of the Renaissance 2010 plan, provides \$100,000 to each of the ten City sector NBN groups to assist in their plans to enhance their neighborhoods.

In order to receive funding, each sector group is required to submit a proposal to the City Administration that outlines specific projects that will achieve visible physical improvements or economic development (i.e., investment, job creation, retail or commercial services). Proposals must be collaborative, using additional funding and/or volunteer support, and contributed services from other groups, organizations or businesses. All applicants are required to demonstrate a minimum ratio of 1:1 leveraged resources in order to receive the grant.

The Sector 4 CDC is proposing to purchase and

renovate a City-owned vacant structure at 951-953 Genesee Street in the Brooks Landing area. The CDC would then create a joint venture with an existing local, regional or national operator to open and operate a coffee shop. The site is within the Brooks Landing Revitalization Urban Renewal District.

The required leverage of resources will be accomplished through contributions from the 19th Ward Community Association, Bero Architecture PC and the Daisy Marquis Jones Foundation. Additional operational support has been leveraged from The Enterprise Foundation (\$225,000 over 3 years), along with in-kind operational support from J&J Coffee (\$25,000) and Unity Health (\$10,500).

As you are aware, City Councilmember Adam McFadden is a member of the Board of Directors of the Sector 4 CDC; and John Borek, a part-time City Council staff member, is the Director of the CDC.

Attached is a summary report of the proposed project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-117

Ordinance No. 2004-314
(Int. No. 363)

Authorizing An Agreement With The Sector 4 Community Development Corporation For The Sector Targeted Funding Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Sector 4 Community Development Corporation for funding of project development costs associated with the development of a coffee house in the Brooks Landing Urban Renewal District.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 City Development Fund.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

Councilmember McFadden abstained vote because he serves on the Board of Directors for one of the affiliated agencies.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-22
Re: NY State Main Street Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation to endorse the applications of four Rochester neighborhood associations to the NY State Division of Housing & Community Renewal (DHCR) for Main Street Grants. The New York Main Street Program was established this year. Under the terms of the program, not-for-profit organizations can apply for grants of up to \$200,000 to be applied to one of four program objectives: façade renovation; building renovation; streetscape enhancement; downtown anchor grants.

The legislation that created the program requires that the local legislative body provide a resolution of endorsement to ensure that applications are consistent with governmental policies and goals. The four applications (NEAD, Group 14621, Sector 4 CDC, and South Wedge Planning Committee) meet these requirements.

NEAD proposes to target Webster Avenue from Goodman to Ellison Streets and provide incentives to renovate the interiors of two buildings and the façades of nine buildings. They will also add benches, banners and flower plantings to this gateway street to the Beechwood neighborhood.

Group 14621 will target North Clinton and Hudson Avenues, and will provide façade grants for ten commercial buildings with ten to fifteen residential units improved. A streetscape project will be implemented on North Clinton, using the sketches developed at the community design charette. The detailed plans that are being implemented on North Clinton will serve as a model for similar development on Hudson.

Sector 4 CDC plans to focus on the Brooks Landing area and particularly on the proposed coffee shop at 953 Genesee Street, applying both façade and interior grants to that critical project. In addition, decorative street lights will be added along that section of Genesee Street.

The South Wedge Planning Committee will target the South Avenue corridor, focusing on two building renovation grants, eight façade renovation grants, and enhancements to Nathaniel Square, the landscaped open space at the corner of South and Alexander.

Respectfully submitted,
Lois J. Giess
President

Councilmember Pritchard moved to amend Introductory No. 366.

The motion was seconded by Councilmember Mains.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

Councilmember McFadden abstained vote because he serves on the Board of Directors for one of the affiliated agencies.

Resolution No. 2004-22
(Int. No. 366, As Amended)

Resolution Endorsing Applications To The New York Main Street Program

Whereas, the NY State Division of Housing & Community Renewal has implemented a New York Main Street program to provide financial and technical resources to assist communities in commercial street revitalization efforts, and

Whereas, [four] five not-for-profit neighborhood organizations, NEAD, Group 14621, Montgomery Neighborhood Center, Sector 4 CDC, and South Wedge Planning Committee, within the City of Rochester have applied to participate in the New York Main Street program, and

Whereas, the projects planned by all [four] five groups are consistent with City policies and goals,

Therefore Be It Resolved by the City Council of Rochester as follows:

Section 1. The Council hereby endorses the applications of NEAD, Group 14621, Montgomery Neighborhood Center, Sector 4 CDC, and South Wedge Planning Committee to the NY State Division of Housing & Community Renewal for inclusion in the New York Main Street Program.

Section 2. The City Clerk is hereby directed to provide certified copies of this resolution to the appropriate staff at the NY State Division of Housing & Community Renewal and to the [four] five not-for-profit organizations making the applications thereto.

Section 3. This resolution shall take effect immediately.

Bracketed material deleted; underlined material added

Adopted by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

Councilmember McFadden abstained vote because he serves on the Board of Directors for one of the affiliated agencies.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-315 And
Ordinance No. 2004-316

Re: Olean & Kennedy Revitalization
Project - Phase I

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Kennedy Revitalization Project being undertaken by the Rochester Housing Authority (RHA) and Providence-Cornerstone Developers, LLC. This legislation will:

1. Authorize the sale of 24 City-owned vacant lots and four structures (see attached list) at their appraised value to the Providence South Plymouth Housing Development Fund Company, Inc. as nominee for South Plymouth Housing LP;

2. Appropriate \$120,000 from the Rental Housing allocation of the 2003 HOME Program to partially finance the costs of the project;
3. Authorize an agreement in an amount not to exceed \$120,000 with the South Plymouth Housing LP for use of these funds.
4. Authorize the exemption of the project from property taxes and an agreement for payments in lieu of taxes with the Providence South Plymouth Housing Development Fund Company, Inc.
5. Appropriate \$488,000 from the 2004-05 Community Development Block Grant allocation included in the 2004-05 Capital budget.
6. Authorize an agreement with the South Plymouth Housing LP in an amount not to exceed \$488,000 for the design and construction of an extension of Edith Street. Funds for the project were included in the 2004-05 Capital budget.

The Olean & Kennedy Revitalization Project is a major project in the southwest quadrant of the City. It involves the redevelopment of two former public housing sites owned by the RHA - the Olean and the Kennedy townhouses. RHA has demolished 111 obsolete public housing units which will now be replaced. Also, an additional 80 units in the Kennedy Senior Housing tower will be updated.

The proposed legislation is related to the Kennedy townhouse portion of the project. It is the first of three implementation phases included in the overall Olean & Kennedy Revitalization Project. The Kennedy project involves the demolition of the Kennedy townhouses and the construction of 67 new rental units, 35 of which will be public housing units. It also involves the construction of an extension of Edith Street.

Twenty-eight units will be constructed on the former Kennedy Townhouse site, with the remaining 39 units to be constructed on vacant lots throughout the southwest quadrant. The Kennedy replacement units will consist of detached single-family units, duplexes, and triples, all with porches, separate entrances, off-street parking and green space. The proposed bedroom mix is as follows:

2 BR	23
3 BR	28
4 BR	14
5 BR	<u>2</u>
Total Units	67

The budget for the Kennedy Project is as follows:

Costs:	
Property Acquisition	\$ 30,001
Soft Costs	903,305
Construction	7,984,641
Construction Contingency	421,794
Developer Fee	1,400,961
Reserves	150,000
Working Capital	<u>171,662</u>
Total	\$11,062,364

Sources:	
Home Program (proposed)	\$ 120,000
Affordable Housing Program	
FHLBNY	350,000
RHA	1,700,000
NYS Housing Trust Fund	2,100,000
LIHTC/Equity	<u>6,792,364</u>

Total \$11,062,364

The HOME funds would be provided initially as a construction loan with a 0% interest rate and, upon completion of construction, would be converted to a 20-year loan at the applicable federal interest rate. The limited partnership would make annual payments of 1% interest, with payment of the principal and any accumulated additional interest deferred until year 20.

Providence has been allocated tax credits for the project. The construction financing is being provided by local banks, a portion of the equity, RHA, the Affordable Housing Program (FHLBNY), and the City.

Under the proposed in-lieu of tax agreement, Providence South Plymouth Housing Development Fund Company, Inc. will be provided a 20-year property tax exemption in consideration of an annual in-lieu of tax payment equal to 10% of the project shelter rents (gross rents less utility costs).

To accommodate the construction of the project, Edith Street will need to be extended. Providence is currently under obligation by its funders to begin construction of the project in November 2004. However, before construction can begin, the Edith Street extension must be underway to provide access to the site. Such road construction is typically undertaken by the City, however, Providence has requested to take direct responsibility for this work. If the City were to undertake this street construction it would not be possible to begin until approximately spring/summer 2005.

Meetings between City staff, Providence, and their consultants, took place during August and September to discuss the possibility of allowing Providence-Cornerstone Developers, LLC to undertake the road construction. It was concluded by City staff (DES, Budget, Finance, Law and Housing) that a contract could be executed between Providence and the City for this road construction if certain conditions were met. Providence would be obligated to design and construct the road according to City specifications and adhere to CDBG regulations governing labor, procurement and administrative standards. Furthermore, the street construction would be subject to City inspections and would require final City approval to officially dedicate the new Edith Street. Providence - Cornerstone Developers, LLC has agreed to these conditions. A funding allocation of \$488,000 from the 2004-05 Capital Budget is proposed to allow the City to enter into contract with Providence to carry out the work. Services would include the design and construction of Edith Street and funding to hire an independent engineering firm to conduct construction inspections.

Construction of the units is expected to begin in November 2004 and be completed by October 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-118

Ordinance No. 2004-315
(Int. No. 367)

Authorizing The Sale Of Real Estate And Agreement For The Olean & Kennedy Revitalization Project

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Providence South Plymouth Housing Development Fund Company, Inc., upon final establishment of such company, for their appraised value, for the construction of housing as a part of the Olean & Kennedy Revitalization Project:

Vacant Land:

Address	SBL	Price
29 Bartlett St.	121-6-2-19	\$425
163-165 Bartlett St.	120.67-3-15,14	500
30 Cady St.	121.53-1-82	450
259 Champlain St	120.60-2-60.1	525
285 Columbia Ave.	120.68-3-49	450
45-51 Doran St.	121.69-3-11,12	525
1-3 Ethel St.	121.69-3-2,3	525
787 Exchange St.	121.69-3-15	450
454-456 Flint St.	120.75-2-61	600
194 Frost Ave.	120.68-2-5	450
336-340 Frost Ave	120.68-1-24	475
511 Columbia Ave.	120.75-1-3.1	525
226 Hawley St.	120.76-1-15	425
254-256 Hawley St.	120.76-1-9	400
432 Hawley St.	120.75-1-63	425
724-734 S. Plymouth Ave.	121.61-2-36, 35, 34 (to be combined)	600
744-766 S. Plymouth Ave.	121.69-3-1, 74,73,72,71 (to be combined)	550
843 S. Plymouth Ave. & 5 Colbert Pl.	121.69-2-58, 121.69-2-77.3 (to be combined)	500
916-918 S. Plymouth Ave.	121.77-1-80	500
934 S. Plymouth Ave.	121.77-1-77	600
394-398 Champlain St.	120.59-2-47.1	400
17 St. Clair St.	120.51-2-40.5	400
20-22 Violetta St.	121.69-3-68	400
52-54 Violetta St.	121.69-3-53	400

Structures:

Address	Price
SBL	Proposed Development
471 Columbia St.	Appraised Value TBD
120.75-1-11	1-unit
493 Hawley St.	Appraised Value TBD
120.74-1-18	2-unit
8 St. Clair St.	Appraised Value TBD
120.51-2-35	2-unit
47 Violetta St.	Appraised Value TBD
121.69-4-6.1	1-unit

Section 2. The Mayor is hereby authorized to enter into a loan agreement with South Plymouth Housing, L.P., for funding for the Olean & Kennedy Revitalization Project. The loan shall be provided initially as a construction loan with 0% interest, and, upon completion of construction, shall be converted to a loan for a term of twenty years, with interest set at the applicable federal rate at the time of closing. South Plymouth Housing, L.P., shall be required to make annual payments of 1% interest, with payment of the principal and remaining interest deferred until year twenty.

Section 3. The loan agreement shall obligate the City to pay an amount not to exceed \$120,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2003 HOME Program

funds.

Section 4. The Mayor is hereby further authorized to enter into an agreement with South Plymouth Housing, L.P., for funding for the extension of Edith Street as part of the Olean & Kennedy Revitalization Project.

Section 5. The agreement shall obligate the City to pay an amount not to exceed \$488,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 Cash Capital Allocation.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2004-316
(Int. No. 368)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Olean & Kennedy Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 20 years, the following properties, to be owned by the Providence South Plymouth Housing Development Fund Company, Inc., upon final establishment of such company, and to be used for housing as a part of the Olean & Kennedy Revitalization Project:

Address	SBL
29 Bartlett St.	121-6-2-19
163-165 Bartlett St.	120.67-3-15,14
30 Cady St.	121.53-1-82
259 Champlain St	120.60-2-60.1
285 Columbia Ave.	120.68-3-49
45-51 Doran St.	121.69-3-11,12
1-3 Ethel St.	121.69-3-2,3
787 Exchange St.	121.69-3-15
454-456 Flint St.	120.75-2-61
194 Frost Ave.	120.68-2-5
336-340 Frost Ave	120.68-1-24
511 Columbia Ave.	120.75-1-3,1
226 Hawley St.	120.76-1-15
254-256 Hawley St.	120.76-1-9
432 Hawley St.	120.75-1-63
724-734 S. Plymouth Ave.	121.61-2-36,35,34 (to be combined)
744-766 S. Plymouth Ave.	121.69-3-1, 74, 73 72,71 (to be combined)
843 S. Plymouth Ave. & 5 Colbert Pl.	121.69-2-58, 121.69-2-77.3 (to be combined)
916-918 S. Plymouth Ave.	121.77-1-80
934 S. Plymouth Ave.	121.77-1-77

394-398 Champlain St.	120.59-2-47.1
17 St. Clair St.	120.51-2-40.5
20-22 Violetta St.	121.69-3-68
52-54 Violetta St.	121.69-3-53
471 Columbia St.	120.75-1-11
493 Hawley St.	120.74-1-18
8 St. Clair St.	120.51-2-35
47 Violetta St.	121.69-4-6.1

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of twenty years with the Providence South Plymouth Housing Development Fund Company, Inc., upon final establishment of such company, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 305 was introduced August 24, 2004, and appears in its original form with its transmittal letter on page 268 of the current Council Proceedings.

Attachment No. AD-119

Ordinance No. 2004-317
(Int. No. 305)

Changing The Zoning Classification Of 753-781 Emerson Street From R-1 Low Density Residential To M-1 Industrial

Passed unanimously.

By Councilmember Mains
September 28, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 342 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

Int. No. 365 - Amending Chapter 59 Of The Municipal Code, Health And Sanitation

Respectfully submitted,
Tim O. Mains
William F. Pritchard
Benjamin L. Douglas
Gladys Santiago
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-318
Re: Agreement - Picture Fest, International

R2010: Campaign 8 - Tourism Destination
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Picture Fest, International, 45 East Avenue, Rochester, NY 14604, for the High Falls Film Festival, November 10-14, 2004. The maximum cost of the agreement will be \$25,000, which will be financed from the 2004-05 Undistributed Expense Budget.

The festival is an international showcase of the work of women in all areas of film and video. It will include over 70 full-length, short, and documentary films. Last year 7,300 tickets were sold; people from 20 states and 13 countries attended. In addition to showcasing established independent filmmakers' works, a critical aspect of the festival is to encourage emerging works. Other specialty areas are Children's Programming, Foreign Language Films and Digital Technology. Catherine Wyler is the Artistic Director; Randi Minetor is the Executive Director. The Honorary Board of Directors includes Anjelica Huston, Ruby Dee, Taye Diggs, Robert Forster, Philip Seymour Hoffman, Rachel Portman, Leslie Stahl, and the Honorable Louise Slaughter, among others.

The cost of the proposed agreement is \$25,000, the same amount approved by City Council for the 2003 Festival.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-318
(Int. No. 342)

**Establishing Maximum Compensation For
A Professional Services Agreement For A Film
Festival**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Picture Fest, International, for a film festival. Said amount shall be funded from the 2004-05 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-319
Re: Amending the Municipal Code

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation repealing sections of Chapter 59 of the Municipal Code, Health and Sanitation, relating to animals. Enforcement of the Health and Sanitation Code was transferred to the Monroe County Health Director in 1958. Most of the provisions in Chapter 59 were enacted prior to this transfer. The County Health Director has authority to act under State and County Health Codes and the Municipal Code provisions appear to be redundant and outdated. The Law De-

partment will therefore be reviewing the Health and Sanitation Code and making recommendations for deletion or revision of various sections.

Five sections of the Health and Sanitation Code regulate animals. These are: Sections 59-32, Animals prohibited; 59-33, Dogs, cats and domestic pets; 59-34, Horses, stables and manure boxes; 59-35, Pigeons, and 59-36, Trapping pigeons without a permit. These sections are either outdated or already covered by Chapter 30, Animals, and Chapter 31, Animals-Dog Control. Code provisions relating to animals are enforced by the City's Animal Control Officers. These provisions of the Health and Sanitation Code may therefore be repealed.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-319
(Int. No. 365)

**Amending Chapter 59 Of The Municipal Code,
Health And Sanitation**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 59 of the Municipal Code, Health and Sanitation, as amended, is hereby further amended by repealing Sections 59-32, Animals prohibited; 59-33, Dogs, cats and domestic pets; 59-34, Horses, stables and manure boxes; 59-35, Pigeons, and 59-36, Trapping pigeons without a permit.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
September 28, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 343 - Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

Int. No. 344 - Authorizing Agreements For The West Ridge Road Public Improvement Project And Appropriating Funds, As Amended

Int. No. 345 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[735,000] 715,000 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The West Ridge Road Public Improvement Project, As Amended

Int. No. 346 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[416,000] 436,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The West Ridge Road Public Improvement Project, As Amended

Int. No. 347 - Authorizing An Agreement For The Lexington Avenue Public Improvement Project

Int. No. 348 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of

\$6,100,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of Certain Improvements For The River Street Waterfront Public Improvement Project

Int. No. 349 - Establishing Maximum Compensation For A Professional Services Agreement For The River Street Waterfront Public Improvement Project

Int. No. 350 - Authorizing Acquisition Of Easements And An Agreement For The River Street Waterfront Public Improvement Project

Int. No. 351 - Amending The Municipal Code With Respect To Fees For Evening Parking At The Sister Cities Garage

Int. No. 352 - Authorizing An Agreement For Operation Of The High Falls Parking Garage

The Parks, Public Works & the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 361 - Abandonment Of School Alley From West Broad Street To Its South End And Approving A Quit Claim Deed And Easements

Respectfully submitted, Robert J. Stevenson Brian F. Curran (Voted against Int. No. 348, Int. No. 349 & Int. No. 350.) Adam C. McFadden Gladys Santiago (Did not vote on Int. No. 343.) PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2004-320 Re: Agreement - Rochester Ice Hockey Officials, Inc.

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Ice Hockey Officials, Inc. (RIHO) for the provision of referees for adult men's and women's hockey leagues at Genesee Valley Park Ice Arena. The maximum cost of the agreement will be \$19,860, which will be financed from the 2004-05 operating budget of the Department of Parks, Recreation and Human Services. This cost is fully funded by fees charged to teams using the referees.

Rochester Ice Hockey Officials, Inc. has provided referees for the City since 1993. RIHO provides all equipment, materials and supplies required to perform their services.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2004-320 (Int. No. 343)

Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$19,860, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Rochester Ice Hockey Officials, Inc. for continued provision of referees for adult men's and women's hockey leagues at the Genesee Valley Park Ice Arena. Said amount shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance Nos. 2004-321, 2004-322, and 2004-323 Re: West Ridge Road Public Improvement Project (Hanford Landing Road to the Veteran's Memorial Bridge)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the West Ridge Road Public Improvement project (Hanford Landing Road to the Veteran's Memorial Bridge). This legislation will:

- 1. Authorize appropriation of \$14,204,000 in anticipated federal reimbursements to finance a portion of the aid-eligible construction costs of the project;
- 2. Authorize appropriation of \$3,797,000 in anticipated state reimbursements to finance a portion of the aid-eligible construction costs of the project;
- 3. Authorize issuance of bonds totaling \$735,000, and the appropriation of the proceeds thereof, to finance a portion of the non-eligible street improvement construction costs of the project;
- 4. Authorize issuance of bonds totaling \$416,000, and the appropriation of the proceeds thereof to finance a portion of the construction costs of the water improvements; and
- 5. Authorize a professional services agreement with Bergmann Associates, 200 First Federal Plaza, for resident project representation services at a maximum cost of \$2,250,000.

The West Ridge Road Public Improvement Project, a state highway project financed by the Federal Highway Administration and the NYS Department of Transportation, is being administered by the City, as authorized by Council in August 1999. The project involves realignment of West Ridge Road; construction of a new two-way frontage road adjacent to properties on the south side between Ridgeway Avenue and Maplewood Drive; replacement of the existing pedestrian bridge; select replacement and adjustment of water mains; drainage improvements; signalized intersection upgrades; new street lighting system; and various landscaping and sidewalk improvements.

Bids for construction were received on August 5, 2004. The work will be performed by Sealand Contractors Corp. at a cost of \$16,116,930 which is 8.25% more than the engineer's estimate. An ad-

ditional \$1,004,069 will be allocated for contingencies and other items not included in the construction contract.

Source	Construction	RPR
	Contingency	Total
FHWA	\$11,938,211	\$1,666,620
	\$ 599,169	\$14,204,000
NYS	3,192,054	445,680
	159,266	3,797,000
City Street	651,184	90,900
	211,916	954,000
City Water	335,482	46,800
	33,718	416,000
Total	\$16,116,931	\$2,250,000
	\$1,004,069	\$19,371,000

The City is financing the \$808,000 cost of street and/or lighting improvements on Maplewood Drive, Pullman Avenue and Lapham Street; the \$146,000 estimated cost to retire the unexpired life of the existing street lighting system; and \$416,000 of the cost of water improvements which are deemed betterments and ineligible for federal and state funding.

The cost of the federal and state eligible construction will be funded from the federal and state funds appropriated herein. The water betterment costs will be funded from the proceeds of the water bond appropriated herein. The cost to retire the unexpired life of the street lighting system will be funded from 2003-04 Cash Capital allocations of the Department of Environmental Services. The remaining street betterment costs will be funded from the proceeds of the street bond appropriated herein (\$735,000) and from 1999-2000 Cash Capital allocations of DES (\$73,000).

Design of the project by Bergmann Associates was authorized by Council on April 18, 2000. Bergmann was selected to provide resident project representation services because of its ability to perform the services within the period specified by the City and because of its familiarity with the project.

Construction of the project is scheduled to begin in Fall 2004, with completion expected in Fall 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-321
(Int. No. 344, As Amended)

Authorizing Agreements For The West Ridge Road Public Improvement Project And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$2,250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for resident project representation services for the West Ridge Road Public Improvement Project (Hanford Landing Road to the Veteran's Memorial Bridge). The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$[90,900] 88,650 shall be funded from a bond ordinance for street improvements, \$[46,800] 49,050 shall be funded from a bond ordinance for water improvements, \$1,666,620 shall

be funded from the appropriation made in Section 2 and \$445,680 shall be funded from the appropriation made in Section 3.

Section 2. The sum of \$14,204,000, or so much thereof as may be necessary, is hereby appropriated from anticipated federal reimbursements to fund the West Ridge Road Public Improvement Project.

Section 3. The sum of \$3,797,000, or so much thereof as may be necessary, is hereby appropriated from anticipated state reimbursements to fund the West Ridge Road Public Improvement Project.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2004-322
(Int. No. 345, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[735,000] 715,000 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The West Ridge Road Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the City's cost of the reconstruction of streets as a part of the West Ridge Road Public Improvement Project (Hanford Landing Road to the Veteran's Memorial Bridge) in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$[954,000] 934,000. The plan of financing includes the issuance of \$[735,000] 715,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$219,000 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$[735,000] 715,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is

fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Ordinance No. 2004-323
(Int. No. 346, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[416,000] 436,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The West Ridge Road Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the City's cost of reconstruction of certain water mains related to the West Ridge Road Public Improvement Project (Hanford Landing Road to the Veteran's Memorial Bridge) in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$[416,000] 436,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$[416,000] 436,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$[416,000] 436,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$[416,000] 436,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance

nance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-324
Re: Lexington Avenue Public Improvement
Project (Mt. Read Boulevard to Dewey
Avenue)

R2010: Campaign 7- Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with CSX Transportation Inc., 4901 Belfort Road, Suite 130, Jacksonville, Florida, for an amount not to exceed \$15,520.

CSX will provide flagging and inspection services during construction of public improvements beneath the railroad bridge on Lexington Avenue. The cost of the agreement will be financed from a previous appropriation of Federal reimbursements (\$12,416)

and a bond appropriation (\$3,104), both approved by City Council on June 22, 2004.

Overall project construction is being performed by Sealand Contractors Corporation. Work began this Summer and is expected to be completed in Fall, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-120

Ordinance No. 2004-324
(Int. No. 347)

Authorizing An Agreement For The Lexington Avenue Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with CSX Transportation Inc. for flagging and inspection services related to construction of the Lexington Avenue Public Improvement Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$15,520, and of said amount, or so much thereof as may be necessary, \$12,416 shall be funded from the appropriation made in Section 2 of Ordinance No. 2004-216 and \$3,104 shall be funded from Bond Ordinance No. 2004-217.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2004-325,
2004-326, and 2004-327
Re: Port of Rochester River Street
Waterfront Public Improvement
Project

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation related to the Port of Rochester River Street Waterfront Improvement Project. The legislation will:

1. Authorize issuance of bonds totaling \$6,100,000 and appropriation of the proceeds thereof to finance the construction of proposed improvements;
2. Authorize an agreement with FRA Engineering, 245 Summit Point Drive for resident project representation services. The cost, not to exceed \$500,000, will be financed with the proceeds of the bonds issued above;
3. Authorize the acquisition of easements from the New York Central Railroad (CSX agent) for public utility improvements. The cost,

not to exceed \$1,700 will be financed with the proceeds of the bonds issued above; and

4. Authorize an agreement with CSX Transportation for design and engineering services related to the proposed at-grade rail crossing improvements. The cost, not to exceed \$30,000, will be financed with the proceeds of the bonds issued above.

The River Street Waterfront Improvement Project features include a public promenade that will tie into the Genesee Riverway Trail system, extending from Petten Street northerly to Latta Road. The project includes structural repairs to the foundation of the historic railroad station, parking facilities and a boater services building. Public and private utility improvements will be provided to support waterfront marine operations and the redevelopment of the historic train station. The existing boat slips will be replaced with 106 new slips. It is anticipated that the train station and boat slips will be managed by a private operator.

City Council authorized design of the River Street Waterfront project by FRA Engineering on March 19, 2002 in the amount of \$400,000 and on January 27, 2004, Council authorized additional design services in the amount of \$150,000. Among other items, the additional services provided for expansion of the scope to include design of relocated boat launch facilities. The design services were financed in part (\$150,000) from a New York State Local Waterfront Revitalization Program grant administered through the Department of State.

The easements to be acquired from New York Central Railroad (CSX is the operating railroad and is agent for NY Central Railroad) are for the purpose of extending the public water main under the existing tracks to serve the City owned property along the waterfront. The value was established by an independent appraisal performed by Robert G. Pogel.

In January 2004, City Council authorized an application to the New York State Department of Transportation Rail Crossing Division for the approval of two new at-grade crossings. The crossings are proposed along River Street, a pedestrian crossing adjacent to Latta Road and a private access crossing at the south end of the historic train station. The application has formally been submitted to the New York State Department of Transportation. As part of the approvals for the new crossings CSX Transportation must review the design and engineering of the proposed crossing improvements. The agreement will pay for CSX staff and consultant services related to the proposed crossing design.

Bids for construction were received on August 24, 2004. The general construction work will be performed by Crane-Hogan Structural Systems, of Spencerport, New York, at a cost of \$ 4,935,204. Kaplan-Schmidt Electric, Inc., of Gates, New York, will perform electrical construction at a cost of \$19,300 and Nairy Mechanical, of Webster, New York, will perform the plumbing construction at a cost of \$59,900. The HVAC construction will be performed by Postler & Jaeckle, of Rochester, on City contract, at a cost of \$20,000. The total construction cost is 6% more than the engineer's estimate. An additional \$533,896 (10%) will be allocated for contingencies. This contract includes Apprenticeship Training Program requirements and Public Works Incentive Program provisions as authorized by City Council on October 21, 2003. The general debt funds are

identified in the CIP as Port Riverfront Development I, (\$4.3m in 2003-04) and Port Riverfront Development II (\$.3m in 2003- 04 and \$1.5m of the \$2m 2004-05 planned debt).

The cost of the categories of work for the project based upon the bid amount are as follows:

Category	Bond Funding
Acquisitions	\$ 1,700
CSX Engineering	30,000
General Construction	4,935,204
Electrical Construction	19,300
Plumbing Construction	59,900
HVAC Construction	20,000
RPR	500,000
Contingency Amount	<u>533,896</u>
Total	\$6,100,000

FRA Engineering, P.C. was selected to perform the resident project representation services based on its qualifications and understanding of the project.

A public information meeting was on February 10, 2004 at the Charlotte Middle School. The meeting minutes, prepared by FRA Engineering are attached.

It is anticipated that construction of this contract will begin in Fall 2004 and be completed in Summer of 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-121

Ordinance No. 2004-325
(Int. No. 348)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$6,100,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of Certain Improvements For The River Street Waterfront Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of a new public promenade from Petten Street to Latta Road, foundation repairs to the Railroad Station and a boater services building at 490 River Street, surface parking facilities and new boat slips on the Genesee River, all as a portion of the City's River Street Waterfront Public Improvement Project (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,100,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$6,100,000 principal amount of bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$6,100,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the

State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 3 of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of

the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmember Curran - 1.

Ordinance No. 2004-326
(Int. No. 349)

Establishing Maximum Compensation For A Professional Services Agreement For The River Street Waterfront Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$500,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering for resident project representation services for the River Street Waterfront Public Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance for said Project.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmember Curran - 1.

Ordinance No. 2004-327
(Int. No. 350)

Authorizing Acquisition Of Easements And An Agreement For The River Street Waterfront Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of necessary easements from the New York Central Railroad for the installation and maintenance of public utility improvements as a part of the River Street Waterfront Public Improvement Project for an amount not to exceed \$1,700. Said amount, plus necessary closing costs, shall be funded from a bond ordinance adopted for this Project.

Section 2. The Mayor is hereby authorized to enter into an agreement with CSX Transportation Inc. for design and engineering services related to two new at-grade rail crossings along River Street as a part of the River Street Waterfront Public Improvement

Project.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this Project.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-328
Re: Municipal Code Amendment

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation amending the Municipal Code with respect to Fees for Parking Garages in order to change the evening rate for parking at the Sister Cities Garage.

The current weekday evening (5:30 p.m. to closing) rate for the Sister Cities Garage is \$4.00. Under the proposed legislation, the weekday evening rate would be changed to \$2.00.

The garage does not have a high demand for parking on weekday evenings.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-328
(Int. No. 351)

Amending The Municipal Code With Respect To Fees For Evening Parking At The Sister Cities Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 111-119 of the Municipal Code, relating to fees and hours of operation of parking garages, as amended by Ordinance No. 2004-168, is hereby further amended by amending subsection A(2), relating to the evening rates, by deleting the "Sister Cities Garage" from subsection A(2)(c) thereof and by adding thereto the following new subsection A(2)(d):

- (d) Sister Cities Garage, from 5:30 p.m. to closing: \$2.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-329
Re: High Falls Garage Operating Agreement

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Central Parking Corporation, 36 West Main Street for operation of the High Falls Garage, located at 240 State Street.

The current agreement with Donatelli, Inc. (d/b/a Ralph Parking Company) expires September 30, 2004. A Request for Proposal was issued in August 2004 for the operation of the 764 space garage; five prospective operators were solicited; responses were received from three.

The City's RFP requested a management fee agreement from the prospective operators. With this type of agreement, all monthly expenses to operate the garage, including a management fee, are paid from the deposited garage revenues by the operator. Any net operating income is retained by the City as revenue. As an incentive, the operator is paid a percentage of the annual net operating income when it exceeds \$50,000.

The City's Municipal Parking staff reviewed and rated the proposals based on nine criteria. Central Parking received the highest rating and is recommended to operate the garage.

The following proposals were submitted to the City:

	Mgt. Fee/Mo.	Projected Rev. Retained	Incentive Fee
Central Parking	\$ 250	\$9,871	30%
MAPCO	500	0	20%
Pro Park	1,425	0	10%

If the gross revenues for any month of the agreement are insufficient to pay the operating expenses, the City agrees to remit to Central Parking the amount of such deficit.

The agreement will have an initial term of one year beginning October 1, 2004, with provision for a one-year renewal upon mutual consent and satisfactory performance by Central Parking.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-122

Ordinance No. 2004-329
(Int. No. 352)

Authorizing An Agreement For Operation Of The High Falls Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Central Parking Corporation for the operation of the High Falls Parking Garage. Central Parking Corporation shall provide a full-time

manager and all other personnel required for operation of the garage, including cashiers, security guards and maintenance staff. All monthly expenses of the garage shall be paid from garage revenues. Central Parking Corporation shall be paid a monthly management fee of \$250. All net operating income shall be retained by the City, except that Central Parking Corporation shall be paid 30% of annual net operating income above \$50,000. The City shall be responsible for any deficits if gross revenues for any month are insufficient to pay operating expenses. The agreement shall be for a term of one year, with an option to renew for one year.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2004-330
Re: Official Map Amendment (OMA)
School Alley

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Official Map of the City of Rochester by abandoning School Alley from West Broad Street to the south end for a distance of 175.52 ft. This request is being made by the County of Monroe to provide access and parking for the Civic Center Plaza.

In a memo issued by the City Engineer regarding this proposal, it was requested that the abandonment be conditioned upon the County of Monroe completing the following actions: Converting the School Alley intersection with Broad Street to a standard driveway opening; providing the City and Frontier Corporation with various easements; filing all easements prior to any permits being issued; and upon completion of the required public improvements work, certifying to the City Engineer, in writing, that all of the work and conditions associated with the OMA have been satisfactorily completed.

The Planning Commission held an informational hearing on August 16, 2004; one person spoke in support of the request. By a vote of 4-0, the Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor, as lead agency, has determined that the proposal will not result in any significant adverse impacts and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-123

Ordinance No. 2004-330
(Int. No. 361)

**Abandonment Of School Alley From West
Broad Street To Its South End And Approving A**

Quit Claim Deed And Easements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following parcel, heretofore dedicated to street purposes and constituting School Alley from West Broad Street to its south end:

All that tract or parcel of land situate in the City of Rochester known as School Alley and being more particularly bounded and described as follows:

Beginning at the intersection of the south street line of West Broad Street and the west street line of School Alley, said point being N84°22'06"E a distance of 107.47 feet from South Plymouth Avenue as measured along the south street line of West Broad Street;

1. N83°30'49"E along the south street line of West Broad Street a distance of 15.28 feet to the intersection of the east street line of School Alley; thence
2. S17°24'14"E along the east street line of School Alley a distance of 175.52 feet to the north line of lands owned by the County of Monroe; thence
3. S72°41'06"W along the north line of said County lands a distance of 15.00 feet to the intersection of the west street line of School Alley; thence
4. N17°24'14"W along the west street line of School Alley a distance of 178.39 feet to the Point of Beginning.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of August 16, 2004.

Section 3. The Council hereby approves a quit claim deed to the County of Monroe of the City's interest in the parcel to the west of the abandonment area. The Council further approves the acceptance of easements from the County for water purposes in the abandonment area.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
September 28, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 353 - Cancellation Of Taxes And Charges

Int. No. 354 - Approving The East Side Police Section Lease And Amending The 2004-05 Budget

Int. No. 355 - Authorizing Police Grant Agreements Or Extensions And Amending The 2004-05 Budget

Int. No. 356 - Approving Participation In The Greater Rochester Area Narcotics Team And Amending The 2004-05 Budget By Appropriating Forfeiture Funds

Int. No. 357 - Authorizing An Application And Agreement For A Juvenile Accountability Block Grant

Int. No. 358 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Continued Administration Of The Drug Testing Program

Int. No. 360 - Authorizing An Agreement For The Local Law Enforcement Block Grant Program

Int. No. 364 - Amending The 2004-05 Budget With Respect To The Youth Violence Task Force

The Finance & Public Safety Committee recommends for consideration the following entitled legislation:

Int. No. 359 - Establishing Maximum Compensation For Professional Services Agreements For Legal Consultation Services

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran (Voted against Int. No. 359)
Robert J. Stevenson
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-331
Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$47,286.44.

A sum of \$40,154.20 or 84.92% of the total, is attributed to four properties that were purchased at a City Foreclosure Sale. The pre-existing judgments were cancelled by that action and should not have been added to this tax bill.

An amount of \$4,732.24 or 10.01% of the total, relates to one property that had delinquent refuse charges that were levied against the incorrect property. The charges will be assigned to the correct property.

One property with a tax amount of \$2,400.00 or 5.07% of the total, had code violation charges that were attributed to a former owner. Those violations have been corrected.

If this cancellation is approved, total cancellations thus far for 2004-05 will be \$332,265.44.

	Accounts	Amounts
City Council	10	\$325,498.59
Administrative	23	
<u>6,766.85</u>		
Total	33	\$332,265.44

These cancellations represent .152% of the tax receivables as of July 1, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-331
(Int. No. 353)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) Properties purchased at City Foreclosure sale 3/12/04, whose judgments and deeds canceled all prior charges. Therefore, these charges should not have been added to this tax bill.

S.B.L.#	Class	Amount Canceled
Address		Tax Year
120.580-0003-027	NH	
\$14,683.95		
47 Superior St.		2005
105.840-0001-002	NH	
1,626.64		
291 Jay St.		2005
106.660-0002-024	NH	
1,610.19		
227-229 N. Union St.		2005
106.570-0001-031	NH	
<u>22,233.42</u>		
27 Portland Ave.		2005
Subtotal		
\$40,154.20		

- (b) Owner purchased property through an arms length sale. The fines were issued to the previous owner, and the property is in Code compliance.

S.B.L.#	Class	Amount Canceled
Address		Tax Year
121.560-0001-005	NH	\$
2,400.00		
489 South Ave.		2005

- (c) Delinquent refuse charges were levied against an incorrect property.

S.B.L.#	Class	Amount Canceled
Address		Tax Year
106.330-02-046-012	NH	\$
2,366.12		
229 Alphonse St.		2004
<u>2,366.12</u>		
		2005
Subtotal		\$
<u>4,732.24</u>		
Grand Total		\$47,286.44

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the

City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-332
Re: East Side Police Section Lease

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing a long-term lease for the East-side Section of the Rochester Police Department and amending the 2004-05 Budget. Specifically, this legislation will authorize:

1. A 20-year agreement with the Rochester Economic Development Corporation for lease of approximately 26,360 square feet at the Upper Falls Shopping Center at 265-315 Upper Falls Boulevard;
2. Amending the 2004-05 Budget by increasing Cash Capital in the amount of \$2,420,000; appropriating \$2,220,000 from Police Property Clerks funds and \$200,000 from Contingency.

The proposed location for the east-side section of the Rochester Police Department is the Upper Falls Shopping Center. The Rochester Economic Development Corporation (REDCO) owns and operates the shopping center. The Clinton Patrol Section has leased approximately 9,200 square feet at the Shopping Center since 1997. The current facility will be expanded to approximately 26,360 square feet to accommodate the five platoons that will occupy the location.

The term of the lease will be 20 years. The base lease rate will be \$9.57 per square foot to be paid in equalized monthly payments, with an annual escalator of 1.41%. The above appropriation will be used to prepay a portion of the base rent assuming a 3% discount rate. The Police Department will be responsible for the costs of utilities, refuse removal, common area maintenance charges, insurance and property taxes. These expenses will be funded in future police operating budgets. REDCO will be responsible for all structural repairs to the building.

REDCO will renovate the existing facility and construct an additional 17,000 square feet. Parking at the property will be expanded by 91 spaces in the rear of the shopping center. Construction will begin in October and be completed in November 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-332
(Int. No. 354)

**Approving The East Side Police Section Lease
And Amending The 2004-05 Budget**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with the Rochester Economic Development Corporation for the lease of approximately 26,360 square feet of office space at the Upper Falls Shopping Center at 265-315 Upper Falls Boulevard for the East Side Police Section Office, for a term of twenty years.

Section 2. The lease agreement shall obligate the City to pay a base annual rent of \$9.57 per square foot, payable in equal monthly installments, with an annual escalator of 1.41%. The City shall prepay the sum of \$2,420,000, which shall be applied to reduce the monthly rent, using a 3% discount rate. Said amount shall be funded from the 2004-05 Cash Capital Allocation. The resulting monthly rent payments shall be funded from the annual budgets of the Rochester Police Department, contingent upon approval of said budgets.

Section 3. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$2,220,000, which amount is hereby appropriated from unclaimed Police Property Clerk funds. Further, the sum of \$200,000 is hereby transferred from the Contingency Account to the Cash Capital Allocation.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance 2004-333
Re: Police Grant Reappropriations
and Budget Amendment

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation that will:

1. Amend the 2004-05 Budget for a total of \$432,200. This item reappropriates unused balances of several grants which had been authorized in previous fiscal years. Revenue estimates will be increased by \$432,200, and expenditures will be increased by \$383,900 to the Police Budget and \$48,300 to Undistributed Expense.
2. Authorize any necessary modifications to existing agreements to allow completion of grant-reimbursable activities.

Homeland Security Overtime Program (HSOP)
- \$265,600

In November 2003, Council approved receipt of \$492,741 from the U.S. Department of Justice, Office of Community Oriented Policing Services, Homeland Security Overtime Program. These funds are to reimburse the overtime salary and fringe benefits of sworn, non-supervisory officers who are assigned to special enforcement details that exclusively benefit the City popula-

tion served by the Rochester Police Department. The original term of the award, September 1, 2003 through August 31, 2004, has now been extended to August 31, 2005. Approximately \$265,600 remains available. The required 25% local match has been fully met. Of the amount to be carried over, \$233,000 is for Police overtime, \$32,600 is for associated fringe benefits in the Undistributed Expense budget.

Project Safe Neighborhoods (PSN) grant - \$74,500

In October 2003, Council authorized the receipt of an award of \$250,000 from the U.S. Department of Justice, Community Prosecution and Project Safe Neighborhoods Grant Program. The grant covers professional services for community outreach training, crime analysis, mapping, and strategy development, through the Rochester Institute of Technology, and overtime for RPD investigators attending Incident Reviews. The community organizations most likely to impact crime also participate in the incident review and strategic response planning process. A one-year extension of the grant award to September 30, 2005 has been requested. The agreement with RIT also will be extended to that date. Approximately \$74,500 remains available to reimburse eligible expenditures during 2004-05. Of this amount, \$66,500 is earmarked for the Police budget, the remaining \$8,000 is for Undistributed Expense.

Motor Vehicle Theft and Insurance Fraud - \$46,500

Council previously approved (February, 2002 and May, 2004) the receipt of two awards of \$50,000 each from the New York State Department of Criminal Justice Services (DCJS) for reimbursement expenses related to Motor Vehicle Theft and Insurance Fraud enforcement. Award funds are provided for program activities that involve the investigation and suppression of illicit "chop-shop" operations, including alteration of vehicle identification numbers for fraudulent insurance schemes or re-sale of stolen vehicles. The current grant expires on March 31, 2005. Approximately \$46,500 remains available for reimbursement of City expenditures during 2004-05, including \$42,000 for the Police budget, and \$4,500 for Undistributed Expense.

2002 Weed and Seed Program (Year 2, Round 2) - \$45,600

In October 2003, City Council authorized the acceptance of \$123,000 in Federal funds from the Executive Office of Weed and Seed, to reimburse special, uniform and undercover drug enforcement details, clerical overtime in support of project activities, and confidential evidence funds to conduct the "Weed" portion of the program. \$45,600 remains available to reimburse eligible activities during 2004-05, including \$42,400 for the Police budget and \$3,200 for Undistributed Expense.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-333
(Int. No. 355)

Authorizing Police Grant Agreements Or Exten-

sions And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements or extensions as may be necessary to provide funding for police activities under the Homeland Security Overtime Program, the Project Safe Neighborhoods Grant, the Motor Vehicle Theft and Insurance Fraud Program and the 2002 Weed and Seed Program.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$383,900 and to Undistributed Expense by the sum of \$48,300, which amounts are hereby appropriated or reappropriated from funds to be received under the grant agreements authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-334
Re: Greater Rochester Area Narcotics Enforcement Team (GRANET)

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation that will:

1. Authorize a Memorandum of Understanding with several local law enforcement agencies regarding joint participation in the Greater Rochester Area Narcotics Enforcement Team (GRANET); and

2. Appropriate \$87,000 from federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amend the 2004-05 Budget to include this amount.

The appropriated funds will be used to support GRANET operations for the period July 1, 2004 through December 31, 2004. The mission of GRANET is to achieve maximum coordination and cooperation through combined resources of member agencies to investigate mid- and upper-level narcotic related offenses in the greater Rochester/Monroe County area.

The current Memorandum of Understanding includes the Rochester Police Department, the Monroe County Sheriff's Department, the Monroe County District Attorney's Office, and the Police Departments of the following towns and villages: Brighton, Brockport, East Rochester, Fairport, Gates, Greece, Irondequoit, Ogden and

Webster. The proposed legislation will extend this agreement to June 30, 2005.

Under the agreement, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Department of Justice and the Monroe County District Attorney's Office. GRANET will use funds for operational expenses, including: communications, electronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (July 1990). Salaries and overtime for participants will be paid by each officer's respective agency.

The City of Rochester administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in the GRANET's forfeiture fund as of August 24, 2004 is \$87,364.91. There have been no other appropriations of GRANET's forfeiture funds during 2004-05.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-124.

Ordinance No. 2004-334
(Int. No. 356)

Approving Participation In The Greater Rochester Area Narcotics Team And Amending The 2004-05 Budget By Appropriating Forfeiture Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the participation of the Rochester Police Department in the Greater Rochester Area Narcotics Team (GRANET) and the equitable sharing of GRANET's forfeiture funds.

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$87,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund GRANET's operations.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-335
Re: Agreement with the New York State Division of Criminal Justice Services, Juvenile Accountability Block Grant (JABG)

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the acceptance of an award under the Juvenile Accountability Block Grant (JABG), in the amount of \$53,970.

This grant will be used to continue the Balanced and Restorative Justice, Juvenile Accountability Conferencing (JAC) Program for the period April 1, 2005 through March 31, 2006. These conferences are used to evaluate a juvenile offender's eligibility for diversion and, where appropriate, to provide a structure to enable the juvenile to make amends to the victim and the community. During the previous grant period, 154 youths participated in JAC.

The funding will underwrite the salary and support costs for a Counseling Specialist in the Family and Victims Services Section of the Police Department. Funding for this position, as well as the required 10% local match for this grant, is included in the 2004-05 budget. This is the sixth round of funding received under the Balanced and Restorative Justice program. The previous award was authorized under City Council Ordinance on August 26, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-335
(Int. No. 357)

Authorizing An Application And Agreement For A Juvenile Accountability Block Grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Juvenile Accountability Block (JABG) Grant Program.

Section 2. The application and agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-336
Re: Amending Ordinance No. 2001-425, Authorizing Payment of Professional Services Agreement

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending Ordinance No. 2001-425 which authorized the sum of \$25,000 as the maximum annual compensation to be paid for a professional services agreement between the City and Newport Alliance for Business Health for the continued administration of the drug

testing program. This transmittal will amend the ordinance to increase the maximum annual compensation for the contract year ending December 31, 2004 by the sum of \$14,000. The source of these funds would be the 2004-05 Undistributed budget.

Newport Alliance administers our federally mandated drug and alcohol testing and program management. As required by the Omnibus Transportation Employee Testing Act, all employees whose duties require the possession of a commercial driver's license may be subjected to random and/or follow up tests for drugs and alcohol. Newport has also provided drug and alcohol testing for employees of the Emergency Communications Department, which is a collective bargaining agreement mandate. Additionally, pre-employment testing has been performed for Police Officer candidates and this year we have added pre-employment drug testing for Firefighter candidates.

The increased cost is the result of adding pre-employment drug testing for Firefighter candidates, an increase in the number of pre-employment tests for Police Officer candidates, and to meet the remaining costs to administer the program for the remainder of the calendar year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-336
(Int. No. 358)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Continued Administration Of The Drug Testing Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$14,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Newport Alliance for Business Health for continued administration of the drug testing program. Said amounts shall be funded from the 2004-05 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-337
Re: 2004 Local Law Enforcement Block Grant

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation appropriating funds under the 2004 Local Law Enforcement Block Grant (LLEBG), and authorizing an agreement with the County of Monroe, in accordance with the certification

issued by the New York State Attorney General, requiring shared spending of City-County LLEBG funds.

City Council Ordinance No. 2004-255, adopted on July 29, 2004, authorized application for and acceptance of the award. Under a joint spending plan submitted to the LLEBG Advisory Board of the Monroe County Juvenile Justice Council, the City and County would split their combined 2004 LLEBG entitlements (\$132,398), of which \$66,199 (50%) is the City's share. The full amount will be applied in partial reimbursement of the salary and fringe benefits of two full-time, non-sworn positions in the Police Department.

The Advisory Board Meeting, a Public Hearing on the proposed spending plan, and the on-line draw down process all must occur within 90 days of the formal award notice, which was July 31, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-337
(Int. No. 360)

Authorizing An Agreement For The Local Law Enforcement Block Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe to share the funding for the 2004 Local Law Enforcement Block Grant Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$55,814, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2004 Local Law Enforcement Block Grant Program Funds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-338
Re: Youth Violence Strike Force

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation amending the 2004-05 budget by transferring \$26,600 from the Contingency Appropriation to the Rochester Police Department operating budget.

An agreement with the New York State Division of Criminal Justice Services for funding for the Youth Violence Strike Force was approved by Council on August 24, 2004 in Ordinance No. 2004-302. Receipt of the funds requires a

2004-05 Budget By Appropriating Forfeiture Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the participation of the Rochester Police Department in the Greater Rochester Area Narcotics Team (GRANET) and the equitable sharing of GRANET's forfeiture funds.

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$87,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund GRANET's operations.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-335
Re: Agreement with the New York State Division of Criminal Justice Services, Juvenile Accountability Block Grant (JABG)

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the acceptance of an award under the Juvenile Accountability Block Grant (JABG), in the amount of \$53,970.

This grant will be used to continue the Balanced and Restorative Justice, Juvenile Accountability Conferencing (JAC) Program for the period April 1, 2005 through March 31, 2006. These conferences are used to evaluate a juvenile offender's eligibility for diversion and, where appropriate, to provide a structure to enable the juvenile to make amends to the victim and the community. During the previous grant period, 154 youths participated in JAC.

The funding will underwrite the salary and support costs for a Counseling Specialist in the Family and Victims Services Section of the Police Department. Funding for this position, as well as the required 10% local match for this grant, is included in the 2004-05 budget. This is the sixth round of funding received under the Balanced and Restorative Justice program. The previous award was authorized under City Council Ordinance on August 26, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-335
(Int. No. 357)

Authorizing An Application And Agreement For A Juvenile Accountability Block Grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to

submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Juvenile Accountability Block (JABG) Grant Program.

Section 2. The application and agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-336
Re: Amending Ordinance No. 2001-425, Authorizing Payment of Professional Services Agreement

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending Ordinance No. 2001-425 which authorized the sum of \$25,000 as the maximum annual compensation to be paid for a professional services agreement between the City and Newport Alliance for Business Health for the continued administration of the drug testing program. This transmittal will amend the ordinance to increase the maximum annual compensation for the contract year ending December 31, 2004 by the sum of \$14,000. The source of these funds would be the 2004-05 Undistributed budget.

Newport Alliance administers our federally mandated drug and alcohol testing and program management. As required by the Omnibus Transportation Employee Testing Act, all employees whose duties require the possession of a commercial driver's license may be subjected to random and/or follow up tests for drugs and alcohol. Newport has also provided drug and alcohol testing for employees of the Emergency Communications Department, which is a collective bargaining agreement mandate. Additionally, pre-employment testing has been performed for Police Officer candidates and this year we have added pre-employment drug testing for Firefighter candidates.

The increased cost is the result of adding pre-employment drug testing for Firefighter candidates, an increase in the number of pre-employment tests for Police Officer candidates, and to meet the remaining costs to administer the program for the remainder of the calendar year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-336
(Int. No. 358)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Continued Administration Of The Drug Testing Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$14,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Newport

Alliance for Business Health for continued administration of the drug testing program. Said amounts shall be funded from the 2004-05 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-337
Re: 2004 Local Law Enforcement
Block Grant

R2010: Campaign 3 - Health, Safety and
Responsibility
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation appropriating funds under the 2004 Local Law Enforcement Block Grant (LLEBG), and authorizing an agreement with the County of Monroe, in accordance with the certification issued by the New York State Attorney General, requiring shared spending of City-County LLEBG funds.

City Council Ordinance No. 2004-255, adopted on July 29, 2004, authorized application for and acceptance of the award. Under a joint spending plan submitted to the LLEBG Advisory Board of the Monroe County Juvenile Justice Council, the City and County would split their combined 2004 LLEBG entitlements (\$132,398), of which \$66,199 (50%) is the City's share. The full amount will be applied in partial reimbursement of the salary and fringe benefits of two full-time, non-sworn positions in the Police Department.

The Advisory Board Meeting, a Public Hearing on the proposed spending plan, and the on-line draw down process all must occur within 90 days of the formal award notice, which was July 31, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-337
(Int. No. 360)

Authorizing An Agreement For The Local Law Enforcement Block Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe to share the funding for the 2004 Local Law Enforcement Block Grant Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$55,814, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2004 Local Law Enforcement Block Grant Program Funds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-338
Re: Youth Violence Strike Force

R2010: Campaign 3 - Health, Safety and
Responsibility

Transmitted herewith for your approval is legislation amending the 2004-05 budget by transferring \$26,600 from the Contingency Appropriation to the Rochester Police Department operating budget.

An agreement with the New York State Division of Criminal Justice Services for funding for the Youth Violence Strike Force was approved by Council on August 24, 2004 in Ordinance No. 2004-302. Receipt of the funds requires a local match of \$26,591, an amount designated for overtime and fringe benefits for Rochester Police Department School Resource Officers who are involved in the project. The request to include the transfer of these funds from Contingency to the Rochester Police Department was inadvertently omitted from the previous transmittal.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-338
(Int. No. 364)

Amending The 2004-05 Budget With Respect To The Youth Violence Strike Force

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$26,600 from the Contingency Account to the Rochester Police Department to fund School Resource Officers involved in the Youth Violence Strike Force.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-339
Re: Agreement - Legal Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Hiscock & Barclay, LLP, with offices at 2000 HSBC Plaza, Rochester, New York 14604, to provide legal consultation and advice relating to Indian land claims and Indian casinos. The maximum cost of the agreement will be \$20,000, which will be financed from the 2004-05 Budget for Undistributed Expense.

Indian claims and Indian casinos raise significant legal issues which are outside of the normal expertise of members of the Law Department. Through this agreement, the Law Department will be able to obtain expert advice from attorneys with special knowledge in these areas. The agreement will be supervised by

and largely performed by Judith M. Sayles, the head of the Indian Claims Division of Hiscock & Barclay. Ms. Sayles works in the Syracuse Office. Although the City has obtained some assurances that issues relating to Indian land claims and Indian casinos in the city are not being pursued any longer, it is essential that the Law Department be ready with facts and legal information should these matters be revisited.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-339
(Int. No. 359)

Establishing Maximum Compensation For Professional Services Agreements For Legal Consultation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Hiscock & Barclay, LLP, for legal consultation services as required by the Law Department in conjunction with Indian land claims and Indian casino issues. Said amount shall be funded from the 2004-05 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Pritchard, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, McFadden - 2.

The meeting was adjourned at 8:29 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

**REGULAR MEETING
OCTOBER 26, 2004**

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - none - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

Library

Mary Ann J. Faust

*Bonnie Vaccarella

Communications

*Sharon Orienter

DES

*George Redling
**Not attending meeting.*

**APPROVAL OF THE MINUTES
By Councilmember Norwood**

RESOLVED, that the minutes of the Regular Meeting of September 28, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

**COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFICERS
AND OTHERS.**

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3781-7

Quarterly Reports. 3782-7

Public Auction - November 16, 2004. 3783-7

Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3784-7

The Director of Zoning Submits Notices of Environmental Determination.
1653 Mt. Hope Avenue. 3785-7

**THE COUNCIL PRESIDENT - PRESENTATION
AND REFERENCE OF PETITIONS AND REMONSTRANCES.**

None presented.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Amending The Development Concept Plan For The Rochester Science Park, MIPD District #2, To Allow Personal Wireless Communications Facilities Int. No. 378 One speaker: David Curry.

**REPORTS OF STANDING COMMITTEES AND
ACTION THEREON**

By Councilmember Norwood
October 26, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 369 - Approving Property Tax Exemptions And Authorizing In Lieu Of Tax Agreements For The Rexford Place Affordable Housing Project

Int. No. 370 - Authorizing The Sale Of Real Estate For The Rexford Place Affordable Housing Project

Int. No. 373 - Authorizing A Property Exchange For Parking For Enrico Fermi School No. 17

Int. No. 374 - Authorizing An Agreement For Fair Housing Lending Monitoring Services

Int. No. 375 - Authorizing Agreements For Lending Awareness Services

Int. No. 376 - Establishing Maximum Compen-

sation For A Professional Services Agreement For A New Community Room At The Lyell Branch Library

Int. No. 377 - Authorizing An Agreement With The Town Of Gates For Building Plan And Inspection Services

Int. No. 391 - Appropriating Funds For A Design Intern

Int. No. 392 - Resolution In Support Of A Preserve America Application

Int. No. 393 - Approving A Lease For Office Space For The Swillburg Neighborhood Association

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 378 - Amending The Development Concept Plan For The Rochester Science Park, MIPD District #2, To Allow Personal Wireless Communications Facilities

The following entitled legislation is being held in committee:

Int. No. 371 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2004-313, As Amended

Int. No. 372 - Amending Ordinances Relating To The Sale Of Real Estate

Respectfully submitted,
 Wade S. Norwood
 William F. Pritchard
 Adam C. McFadden (Abstained vote on amendment for Introductory No. 371.)
 Gladys Santiago
 HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-340 And
 Ordinance No. 2004-341
 Re: Rexford Place

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Rexford Place affordable housing project being undertaken by Housing Opportunities, Inc. This legislation will:

1. Authorize the sale of eleven City-owned vacant lots; and
2. Authorize property tax exemptions and payment in lieu of tax agreements for the project.

Rexford Place consists of the construction of twelve housing units to be built on eleven scattered sites in the City of Rochester. A total of eight single-family homes and two 2-unit townhouse buildings will be constructed. Of the total units, nine are to be constructed in the Marketview Heights neighborhood and three units will be constructed near Anthony Square. All units will have 3 bedrooms, front porches, and

off-street parking.

The single-family homes will have 1,176 square feet, and will be the same designs as those previously completed at nearby Ontario Place in 2002. The townhouses will have 1,142 square feet, and will be located adjacent to townhouse units in Central Place. They will be the same designs. HOP will retain ownership of the townhouses.

The single-family homes will be made available for sale to tenants or other income-eligible owner households after the 15-year Low Income Housing Tax Credit compliance period. Selling prices are estimated to be approximately \$13,000. Interested parties must be able to secure a first mortgage, will be required to provide \$1,500 for down-payment and will be required to complete a homeownership training program. Buyer closing costs may be paid from HOP's operating reserve fund or other closing cost assistance programs.

All units will be made affordable to tenants with incomes between 40-60% of the area median income. The units will serve a special needs population of single women with children. The rents for the single-family homes are projected to be \$550/month (including utilities) and the townhouses will be \$515/month (including utilities).

HOP currently has a waiting list of 300 families for their affordable rental units, mostly comprised of single woman with children. Rexford Place will be marketed to these families and to Section 8 voucher holders.

The project will accomplish the following:

1. Provide decent, affordable rental housing, free of lead-based paint;
2. Offer affordable housing to expand homeownership opportunities in the City; and
3. Assist in the further revitalization of neighborhoods where HOP has been active.

The City-owned lots listed below will be sold to Housing Opportunities Housing Development Fund Corporation. Please note that 146 Central Park will accommodate the 4-unit townhouses. This lot will be combined with 124-138 Central Park, a property owned by HOP, to accommodate this development.

Address	SBL	Price
Proposed Development		
146 Central Park two 2-unit townhouses	106.50-2-52	\$550
185-187 Hebard Street single-family	106.50-2-25	450
195-197 Hebard Street single-family	106.50-2-24	450
199 Hebard Street to be combined with 195- 197 Hebard St.	106.50-2-23	425
12 Niagara Street single-family	106.59-1-63	425
58 Weld Street single-family	106.65-3-44	475
158 Atkinson Street single-family	121.37-1-35	400
423-425 Tremont Street single-family	120.52-3-14	500
417 Tremont Street to be combined with 423- 425 Tremont St.	120.52-3-15	500

469 Tremont Street single-family	120.52-3-6.1	475
84 Woodward Street single-family	106.65-2-43.2	450

417 Tremont Street	120.52-3-15
469 Tremont Street	120.52-3-6.1
84 Woodward Street	106.65-2-43.2

Two payment-in-lieu of tax agreements are proposed with Housing Opportunities Housing Development Fund Corporation, a subsidiary corporation owned by Housing Opportunities, Incorporated.

Section 4. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of fifteen years with the Housing Opportunities Housing Development Fund Corporation, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

The first agreement will be for the townhouses and include the following properties at 146 Central Park and 124-138 Central Park (SBL 106.50-2-58.1). This agreement will be made for 30 years and provide payments of 10% of shelter rents.

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

The second agreement will be for the single-family homes and include the ten properties listed above and noted for single-family development. This agreement will be made for 15 years and provide payments of 10% of shelter rents.

Section 6. This ordinance shall take effect immediately.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Passed unanimously.

Ordinance No. 2004-341
(Int. No. 370)

Ordinance No. 2004-340
(Int. No. 369)

Approving Property Tax Exemptions And Authorizing In Lieu Of Tax Agreements For The Rexford Place Affordable Housing Project

Authorizing The Sale Of Real Estate For The Rexford Place Affordable Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the Housing Opportunities Housing Development Fund Corporation, and to be used for housing as a part of the Rexford Place Affordable Housing Project:

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Housing Opportunities Housing Development Fund Corporation, for the following amounts, for the construction of housing as a part of the Rexford Place Affordable Housing Project:

<u>Address</u>	<u>SBL</u>
146-148 Central Park	106.50-2-52
124-138 Central Park	106.50-2-58.1

<u>Address</u>	<u>SBL</u>	<u>Price</u>
146-148 Central Park	106.50-2-52	\$550
185-187 Hebard Street	106.50-2-25	450
195-197 Hebard Street	106.50-2-24	450
199 Hebard Street	106.50-2-23	425
12 Niagara Street	106.59-1-63	425
58 Weld Street	106.65-3-44	475
158 Atkinson Street	121.37-1-35	400
423-425 Tremont Street	120.52-3-14	500
417 Tremont Street	120.52-3-15	500
469 Tremont Street	120.52-3-6.1	475
84 Woodward Street	106.65-2-43.2	450

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the Housing Opportunities Housing Development Fund Corporation, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 2. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 15 years, the following properties, to be owned by the Housing Opportunities Housing Development Fund Corporation, and to be used for housing as a part of the Rexford Place Affordable Housing Project:

Section 3. This ordinance shall take effect immediately.

<u>Address</u>	<u>SBL</u>
185-187 Hebard Street	106.50-2-25
195-197 Hebard Street	106.50-2-24
199 Hebard Street	106.50-2-23
12 Niagara Street	106.59-1-63
58 Weld Street	106.65-3-44
158 Atkinson Street	121.37-1-35
423-425 Tremont Street	120.52-3-14

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-342
Re: Property Exchange and Use Agreement, Saxton Street R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing a Property Exchange Agreement between the City and Luis Quiles for property located on Sax-

ton Street. The City will be acquiring the rear portion of the property at 229 Saxton Street, approximately .133 acres, and Mr. Quiles will be acquiring the front portion of the property at 235 Saxton Street, approximately .118 acres. An independent appraisal of the two properties, as prepared by Kevin Bruckner, MAI, has valued the parcels equally.

Once the property exchange has been completed, the City will designate the rear 41' x 140' sections of both 229 and 235 Saxton Street for use by the City School District to expand the parking area for the Enrico Fermi School No. 17. The City School District will pay the City the sum of \$3,000 (\$1,500 per parcel) for the use of these parcels, as established by independent appraisal.

The Rochester City School District has authorized this Use Covenant and Agreement pursuant to Resolution Nos. 750 and 751.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-125

Ordinance No. 2004-342
(Int. No. 373)

Authorizing A Property Exchange For Parking For Enrico Fermi School No. 17

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the exchange of the front portion of the City-owned parcel at 235 Saxton Street (comprising approximately .118 acres) for the rear portion of the parcel at 229 Saxton Street (comprising approximately .133 acres), owned by Luis Quiles.

Section 2. The rear portions of the parcels at 229 and 235 Saxton Street may be used by the City School District for parking for the Enrico Fermi School No. 17. The City School District shall pay to the City the sum of \$3,000 for such use.

Section 3. The Mayor is authorized to enter into such agreements as may be necessary to effectuate this purpose. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-343
Re: Agreement - Fair Housing/Lending Monitoring, Public Interest Law Office of Rochester, Inc.

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Public Interest Law Office of Rochester, Inc., 80 St. Paul Street, for the continued monitoring of mortgage lending activity.

The maximum cost of this agreement will be \$70,000, which will be financed from the Housing Stock and General Property Conditions - Fair Housing Activities allocation of the 2004-05 Community Development Block Grant. The cost of the proposed agreement is the same as the cost of the prior agreement. The agreement term is one year.

The Community Choice Action Plan was developed by the City, Monroe County, Towns of Greece and Irondequoit and Rochester Housing Authority, as recipients of federal housing assistance funding. The City's participation in the development of the plan was authorized by the City Council on February 20, 1996.

The Community Choice Action Plan provides for the monitoring and analysis of lending activity of local financial institutions. PILOR has performed this monitoring since 1998; the most recent agreement was authorized by the City Council on November 18, 2003, Ordinance 2003-371. During the current agreement term, PILOR completed the third year of a three year cycle as a member of the Community Advisory Committee to the Federal Reserve Board. Also PILOR continued monitoring and mapping loans of banks including: Bank of America, Canandaigua National Bank, Chase, Citigroup, Citizens Bank, HSBC and M&T. PILOR will provide technical assistance and advocacy services to the Coalition to Prevent Lead Poisoning staff and volunteers to encourage major lenders to develop products for counteracting lead based paint hazards.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-126

Ordinance No. 2004-343
(Int. No. 374)

Authorizing An Agreement For Fair Housing Lending Monitoring Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Public Interest Law Office of Rochester, Inc. for continued services relating to the Community Choice (Fair Housing) Action Plan.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$70,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-344
Re: Agreements - Anti-Predatory Lending Campaign

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for continued services for the "Don't Borrow Trouble" Campaign.

Public Interest Law Office of Rochester, Inc. (PILOR)	\$40,000
The Housing Council in the Monroe County Area, Inc.	35,000

The costs of the agreements will be financed from the Improve the Housing Stock and General Property Conditions - Foreclosure Prevention allocation of the 2004-05 Community Development Block Grant. The most recent legislation authorizing these services was passed by City Council on November 18, 2003, Ordinance #2003-370. Both agreements will have a one-year term.

Predatory lending involves the provision of loans to persons who do not meet standard credit criteria, or to persons who may be unable to repay loans, as well as making high cost loans to persons who could qualify for market rate loans. Typically, foreclosure or repossession of property results.

The campaign links residents with home ownership counseling programs and foreclosure prevention services and with legal assistance when appropriate. Services include a public education and media campaign, outreach to the community, plus intake and referral to service providers.

The Housing Council provides educational, counseling and referral services and PILOR provides legal services. Attached is a report on the activity through September, 2004

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-127

Ordinance No. 2004-344
(Int. No. 375)

Authorizing Agreements For Lending Awareness Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the "Don't Borrow Trouble" public information and awareness campaign. The agreement shall obligate the City to pay an amount not to exceed \$35,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Public Interest Law Office of Rochester, Inc. (PILOR) for legal assistance as a part of the "Don't Borrow Trouble" public information and awareness campaign. The agreement shall obligate the City to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the

Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-345
Re: Lyell Branch Library Community Room Addition

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will authorize an agreement with Turner Engineering, P.C., for mechanical, electrical, plumbing engineering services related to an addition to house a new community room at the Lyell Branch Library. The maximum cost of the agreement will be \$18,000, which will be financed from the 2004-05 Library cash capital allocation.

The Lyell Branch Library is a one-story facility built in 1985. Currently there is no multipurpose room that can facilitate community meetings, as well as other library functions needed at the branch. The evaluation of the mechanical systems of the facility is part of incorporating an addition to house a new community room. Other incidental spaces will include closets and a unisex toilet, as well as a new vestibule entrance.

Proposals were solicited and received from four engineering firms. Turner Engineering, P.C. is recommended based on their qualifications and ability to perform the project within the City's project schedule.

Design is scheduled to begin in the winter of 2004. Construction is scheduled to begin in the summer of 2005 and be completed in fall 2005. The estimated cost for construction is \$215,000 and will be financed from the 2004-05 Library cash capital allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-345
(Int. No. 376)

Establishing Maximum Compensation For A Professional Services Agreement For A New Community Room At The Lyell Branch Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$18,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Turner Engineering, P.C., for mechanical, electrical and plumbing engineering services relating to an addition to house a new community room at the Lyell Branch Library. Said amount shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-346
Re: Agreement with Town of Gates -
Plan Review and Inspection Services

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing an agreement with the Town of Gates for the City to provide certain building plan review, zoning review and inspection services. The most recent legislation authorizing this agreement was passed by City Council on February 11, 2003 by Ordinance No. 2003-34.

Annually, the Town of Gates issues approximately 150 permits for building and plumbing improvements. Currently, one (1) City staff person is assigned the responsibility for reviewing the related plans and conducting the required inspections.

Under the proposed agreement, the City will perform these services. Specifically, it will:

1. Review the plans submitted for building and zoning code compliance with all applications for building and plumbing permits.
2. Provide a written report on the results of all reviews, to permit the Town to determine if a permit should be issued.
3. For all projects for which permits are issued, perform the related inspections to ensure compliance with the provisions of the applicable building and zoning codes and regulations and the terms and conditions of the permits.
4. Based on these inspections, recommend to the Town whether certificates of occupancy or letters of completion should be issued.
5. Attend and provide technical support to the monthly Zoning Board of Appeals meetings.

The plan review services will not include sign, fence and electrical permits. The inspection services as per this agreement will not include electrical work.

Charges to the Town of Gates will be assessed on an hourly basis of thirty-six dollars (\$36.00) and billed on a monthly basis. It is estimated that the average service level to the Town will be approximately twenty (20) hours per week .

The agreement will have a term of one (1) year. At the option of the Town of Gates, it may be renewed for one (1) additional one-year period. Upon such renewal, the required hourly charges will be adjusted by an amount equivalent to any increase in the annual compensation rate for non-uniformed employees of the City.

Respectfully submitted,
William A. Johnson, Jr.

Mayor

Ordinance No. 2004-346
(Int. No. 377)

Authorizing An Agreement With The Town Of Gates For Building Plan And Inspection Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Gates to provide building plan and zoning review and inspection services. The agreement shall have an initial term not to exceed one year, and may contain a one-year renewal option. The agreement shall obligate the Town of Gates to pay the City at the hourly rate of \$36.00 for such services. During any renewal term, the payment rates shall increase by the percentage of compensation increase granted to the City's full-time non-uniformed employees for that renewal term.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-347
Re: Design Intern Program Appropriation

R2010: Campaign 1 - Involved Citizens
Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods
Campaign 10 - Center City

Transmitted herewith for your approval is legislation appropriating a total of \$33,800 from the Neighbors Building Neighborhoods small area plan allocation of the 2003-2004 Community Development Block Grant Program (CDBG).

These funds will be used for a design intern program in the Department of Community Development's Bureau of Planning during fiscal year 2004-05. Funds will be used to hire college students in the planning and design professions to work on design projects associated with Neighbors Building Neighborhoods (neighborhood design charrettes), The Renaissance Plan and the Center City Master Plan.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-347
(Int. No. 391)

Appropriating Funds For A Design Intern Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2003-04 Community Development Program the sum of \$33,800, or so much thereof as may be necessary,

to fund a design intern program in the Bureau of Planning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-23
Re: Preserve America Community
Resolution

R2010: Campaign 4 - Environmental
Stewardship
Campaign 8 - Tourism Destination
Campaign 9 - Vital Urban Villages
Campaign 10 - Center City

Transmitted herewith for your approval is a resolution affirming the City of Rochester's commitment to the preservation of its heritage assets.

Adoption of the attached resolution will qualify the City of Rochester for Designation as a Preserve America Community, a White House initiative developed in cooperation with the Advisory Council on Historic Preservation and the U.S. Departments of the Interior, Commerce, Agriculture, and Housing and Urban Development.

The Preserve America designation is granted to communities that meet three general criteria:

1. The community has supported a historic or cultural preservation project that fosters economic vitality and involves a public-private partnership.
2. The governing body has adopted a resolution committing to preservation of historical assets.
3. The community meets at least five criteria in three broad categories: discovering heritage through historic places, protecting historic resources, and promoting historic assets.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2004-23
(Int. No. 392)

Resolution In Support Of A *Preserve America* Application

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, the City of Rochester values its heritage, as represented in eight (8) historic districts and numerous individual properties and projects involving many public and private partners and citizen volunteers; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historic resources; and

WHEREAS, the Preserve America application process requires a resolution of support from the City Council;

THEREFORE BE IT RESOLVED, by the City Council of Rochester as follows:

Section 1. The City of Rochester is committed to continuing to protect and celebrate our heritage, to use our historic assets for economic development and community revitalization, and to encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

Section 2. The City Clerk is hereby directed to provide certified copies of this resolution to all appropriate Federal agencies in support of the City's application for designation as a *Preserve America* Community.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-348
Re: Lease - 846 S. Clinton Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement between the City and the Swillburg Neighborhood Association for the lease of office space on the second floor of the City owned property at 846 South Clinton Avenue. The City's NET Area D offices are located on the first floor of the property.

The Swillburg Neighborhood Association will be occupying approximately 500 square feet. The space will be primarily used as a meeting area for the Association's Executive Committee.

The term of the lease will be for two years. The City will lease the unfinished space to the Neighborhood Association for the equivalent of \$1,000 per year as established by the Real Estate Division. Improvements (drywall, carpet, HVAC, etc.) will be made by the Neighborhood Association at an estimated cost of \$4,000.

The annual rent will be satisfied through services performed by the Neighborhood Association. These services include, but are not limited to, maintenance of garden projects, coordinating neighborhood social events and the neighborhood watch program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-348
(Int. No. 393)

Approving A Lease For Office Space For The Swillburg Neighborhood Association

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with the Swillburg Neighborhood Association for the lease of office space on the second floor of the City owned building at 846 South Clinton Avenue, for a term of two years. The Swillburg Neighborhood Association shall improve the office space, and shall be required to provide community services in the amount of \$1,000 per year to offset rent.

Section 2. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-349
Re: Planned Development Amendment
Rochester Science Park

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation amending the Development Concept Plan for the Rochester Science Park MIPD #2 by modifying the district regulations to include provisions for allowing Personal Wireless Telecommunications Facilities under the following limited conditions:

1. Only as an accessory structure to an approved use
2. No resale of services
3. No higher than 150 feet
4. With submission of FCC documentation

The Planning Commission held an informational hearing on September 13, 2004; three people spoke in support of the request; one person spoke in opposition. By a vote of 5-0-0, the Commission recommended approval.

Following the hearing, the City received the County's response to the 239M referral that the City sent regarding this application. The County stated that since this site is located within the Greater Rochester International Airport review area, all structures must be below the 700 ft. Rochester City Datum to meet airport approval. The 700 ft. datum is determined by adding the site ground elevation to the height of the structures. Therefore, it is our recommendation that the above amendment be modified by adding the following as the fifth requirement to the amendment:

5. Site ground elevation plus the height of the structure must be below 700 feet.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and

Chapter 48 of the City Code, the Mayor, as lead agency, has determined that the proposal will not result in any significant adverse impacts and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-128

Ordinance No. 2004-349
(Int. No. 378)

Amending The Development Concept Plan For The Rochester Science Park, MIPD District #2, To Allow Personal Wireless Communications Facilities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Development Concept Plan for the Rochester Science Park, MIPD District #2, as amended, is hereby further amended by amending Section 3.2 thereof to add the following new subdivision (f):

- (f) Personal Wireless Communications Facilities, subject to the following conditions:
 - (1) Only as an accessory structure to an approved use.
 - (2) No resale of services.
 - (3) No higher than 150 feet.
 - (4) With submission of FCC documentation.
 - (5) Site ground elevation plus the height of the structure must be below 700 feet.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-350 And
Ordinance No. 2004-351
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of fourteen properties and amending four prior ordinances relating to the sale of property. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales

The first six properties are structures that were sold at public auction. The purchasers will be required to rehabilitate the structures in accordance with their

legal uses within nine months of the closing.

The next three properties are vacant lots that were sold at public auction, subject to the acceptance of a development proposal. All three parcels will be developed as parking areas to be used in conjunction with the purchasers' existing properties.

The next property is being sold to the former owner. The purchase price includes all delinquent taxes, interest and penalties.

The next property was sold through the Owner Occupant Auction. The purchaser will be required to occupy the property for a minimum of five years.

The last three properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

Amendments

The Division of Real Estate is requesting that Ordinance #2002-280 that was adopted on September 22, 2002 and which authorized the sale of 50 Kohlman Street to Antoine McDonald and Tynise Edwards be amended to authorize the sale of 50 Kohlman Street to Tynise Edwards. Mr. McDonald has requested that his name be removed from the sale.

The administration requests that Ordinance 2003-52, adopted March 11, 2003, regarding the sale of 20 properties in the Project Turnaround Challenged Street area be amended to include Ibero-American Development Corporation as an approved purchaser. Ibero-American Development Corporation is the sponsor of the planned construction of 20 single family houses designated as Phase I of the project. Granting Ibero-American Development Corporation authority to purchase the designated properties allows for flexibility in building model homes and the possibility of providing affordable rental units as an alternate to owner-occupied homes. This is consistent with the project goal of increasing the number of affordable, safe and secure housing units in the neighborhood.

The administration requests the amendment of two ordinances, Ordinance 2002-74 authorized March 19, 2002, and Ordinance 2002-288 authorized September 17, 2002, which approved the sale of city- owned vacant lots for the 2002 Home Expo Program. This amendment will add a vacant city-owned lot at 156 Wellington Avenue (SBL #120.58-1-37) to the list of authorized lots to be sold under this program. The Wellington Avenue lot was acquired through city-tax foreclosure on November 7, 2003 and serves as an attractive lot to be sold through the Home Expo program.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-129

Councilmember Norwood moved to have Int. No. 371 and Int. No. 372 moved out of committee.

The motion was seconded by Councilmember Mains.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

Councilmember McFadden abstained vote because he serves on the Board of Directors for one of the affiliated agencies.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

Councilmember Norwood moved to amend Introductory No. 371.

The motion was seconded by Councilmember Mains.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

Councilmember McFadden abstained vote because he serves on the Board of Directors for one of the affiliated agencies.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

Ordinance No. 2004-350
(Int. No. 371, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2004-313

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address S.B.L.#	Legal Use Purchaser	Price
3 Athens St 106.21-1-27	1 Family CB Estate, LLC*	\$4,100
107 Avenue A 106.21-1-24	2 Family Jeffrey Medford	6,000
1750 Clifford Av 107.29-1-31	1 Family Adrianna M. Harris	3,400
[526-528 Jefferson Av 120.60-2-70	2 Family Kim & Natasha Salter]	2,200
100 Remington St 106.23-4-46.1	1 Family Patricia A. Junious & Dannie Palmer	1,800
294-294.5 Reynolds St 120.76-2-3	2 Family Anthony Wright	2,000

*Officer: Judy Dolan

Section 2. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

Address Purchaser	S.B.L.#	Price
195-201 Child St Light of the World Church*	120.26-2-13&12	\$150
207-209 Conkey Av Aida Ramos	106.21-2-16	50
[164-166 Emerson St Raymond C. Cook]	105.43-1-49	150

*Officers: Rev. Luis Daniel Hernandez; Noel Ruiz; Salvador Casiano; Betzaida Stanwix

[Section 3. The Council hereby further approves the sale of the following parcel of improved property by former owner sale:

Address:	994 Clifford Av
S.B.L.#:	106.33-2-36
Price:	\$5,458.73
Purchaser:	Mary Hall]

Section [4] 3. The Council hereby further approves the sale of the following parcel of improved property by owner occupant auction:

Address:	31 Cutler St
S.B.L.#:	091.69-1-66
Legal Use:	1 Family
Price:	\$7,000
Purchaser:	Jeffrey Jordan

Section [5] 4. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address Purchaser	S.B.L.#	Sq. Ft.
75 Avenue A Telana C. Stokes*	106.21-1-40	2975±
100-102 Breck St Ninus E. Vennor	107.69-2-43	5191±
26 Love St Charles B. Smith	120-35-1-50	4307±

*City Employee

Section 5. Ordinance No. 2004-313, relating to the sale of 951 and 953 Genesee Street, SBL #135.34-2-34 and 135.34-2-33, to the Sector 4 Community Development Corporation, is hereby amended by reducing the purchase price from \$14,000 to \$8,001 due to deterioration of the condition of 953 Genesee Street.

Section 6. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

Councilmember McFadden abstained vote because he serves on the Board of Directors for one of the affiliated agencies.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

Ordinance No. 2004-351
(Int. No. 372)

Amending Ordinances Relating To The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2002-280, relating to the sale of real estate, as amended, is hereby further amended by authorizing the sale of 50 Kohlman Street, as approved in Section 1 thereof, to Tynise Y. Edwards, instead of to Antoine McDonald & Tynise Y. Edwards.

Section 2. Ordinance No. 2003-52, relating to the sale of real estate for Project Turnaround, is hereby amended by adding the Ibero-American Development Corporation to Section 1 as an approved developer.

Section 3. Ordinance No. 2002-74, relating to the 2002 Home Expo Program, as amended by Ordinance No. 2002-288, is hereby further amended by adding the parcel at 156 Wellington Avenue, SBL #120.58-1-37 to the list of parcels approved for sale.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Stevenson - 7.

Nays - None - 0.

Councilmember McFadden abstained vote because he serves on the Board of Directors for one of the affiliated agencies.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

By Councilmember Mains
October 26, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 379 - Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 380 - Authorizing Agreements For The Biz Kid\$ & Beyond Program And Amending The 2004-05 Budget

Respectfully submitted,
Tim O. Mains
William F. Pritchard

Lois J. Giess
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-352
Re: Agreement - RPO, Musical Services

R2010: Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Philharmonic Orchestra, 108 East Avenue, for various musical services. The maximum cost of the agreement will be \$50,000, which will be financed from the 2004-05 budget of the Department of Parks, Recreation and Human Services.

The musical services will include one full orchestra concert and eight ensemble concerts, which will be performed as Noontime programs. They also will include classical music education within all city public elementary schools, grade three.

The full orchestra concerts will be similar to those provided annually since 1987-88 under comparable agreements. The ensemble concerts will take place during the lunch hour at Washington Square Park as part of the 2005 summer performing arts season. The education curriculum will be developed by ensemble members and music and classroom teachers; thirty educational presentations will be provided to approximately 5,000 students enrolled in grade three.

The cost of the proposed agreement is \$50,000, a 50% reduction from the current agreement. This reduction is consistent with the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-352
(Int. No. 379)

Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Philharmonic Orchestra for one full orchestra public concert, music education in City schools and eight ensemble public concerts. Said amount shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-353

Re: Biz Kid\$ & Beyond Program

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to acceptance of a grant in the amount of \$14,700 for the Biz Kid\$ program. This legislation will:

1. Authorize an agreement with the Rochester Area Community Foundation for the receipt of \$14,700 from them.
2. Amend the 2004-05 Budget of the Department of Parks, Recreation and Human Services to reflect this grant.
3. Authorize an amendatory agreement with Rochester Landscape Technicians for the Biz Kid\$ & Beyond Program.

The grant funds will be used to implement Biz Kid\$ & Beyond, which will offer monthly classes to graduates at The Credit Education Bureau, Rochester Institute of Technology and Progressive Neighborhood Credit Union. The Rochester Landscape Technicians will also be collaborating to open a retail store for hands-on experience and to provide an additional venue to sell the graduates' products. The amendatory agreement with Rochester Landscape Technicians will be increased from \$8,600 to \$12,600 with funds from this grant to provide work experience trainees for various units of the Bureau of Parks and Recreation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-353
(Int. No. 380)

Authorizing Agreements For The Biz Kid\$ & Beyond Program And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for the receipt of funding for the Biz Kid\$ and Beyond Program.

Section 2. The Mayor is hereby further authorized to enter into an amendatory agreement with the Rochester Landscape Technicians for the Biz Kid\$ and Beyond Program.

Section 3. The amendatory agreement shall obligate the City to pay an amount not to exceed \$4,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 4. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$14,700, which amount is hereby appropriated from funds to be received from the Rochester Area Community

Foundation for the Biz Kid\$ and Beyond Program.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
October 26, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 381 - Authorizing Agreements For A New Playground At The Adams Street Community Center And Amending The 2004-05 Budget

Int. No. 382 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rochester Public Market

Int. No. 383 - Granting An Easement In The Town Of Canadice

Int. No. 384 - Authorizing An Agreement For Brownfield Services At 935 West Broad Street

Int. No. 385 - Authorizing An Agreement For Brownfield Services At 399 Gregory Street

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Adam C. McFadden
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-354
Re: New York State Legislative Grant - Adams Street Playground

- R2010: Campaign 1 - Involved Citizens
- Campaign 3 - Health, Safety and Responsibility
- Campaign 4 - Environmental Stewardship
- Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the construction of a new playground at Adams Street Community Center. This legislation will:

1. Authorize an agreement with New York State for the receipt of a \$15,000 grant to pay for a portion of the equipment.
2. Amend the 2004-05 Budget of the Department of Parks, Recreation and Human Services.
3. Amend the current agreement with Cornhill Neighbors Association related to construction of the playground so that the City may provide

the grant funds to pay for a portion of the equipment.

The City and Cornhill Neighbors recently executed an agreement pursuant to Ordinance No. 2004-246 in which the Cornhill Neighbors Association purchased the equipment at a cost of approximately \$60,300 and the City of Rochester agreed to fund site preparation and installation of the equipment at a cost of approximately \$25,000.

The local initiative funding grant was secured through the efforts of Senator Joseph E. Robach and is included in the 2004-05 New York State Budget.

The project is currently out for bid and construction is anticipated to be completed around December 1, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-354
(Int. No. 381)

Authorizing Agreements For A New Playground At The Adams Street Community Center And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the State of New York for funding for the purchase of new playground equipment for the Adams Street Community Center.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with the Cornhill Neighbors Association whereby the City shall provide funding received from the State for the purchase of new playground equipment for the Adams Street Community Center.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$15,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 Cash Capital Allocation.

Section 4. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$15,000, which amount is hereby appropriated from funds to be received from the State of New York for the purchase of new playground equipment for the Adams Street Community Center.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-355
Re: Agreement - Joan Hildebrand,
Rochester Public Market

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation that will:

1. Authorize the extension of an agreement with Joan Hildebrand from November 30, 2004 to June 30, 2005 for assistance with the management and operation of the Rochester Public Market.
2. Increase the amount of the agreement by \$7,200 to bring the total amount of the agreement to \$15,000. Funds are available in the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Under the agreement, Ms. Hildebrand's duties include, but are not limited to, site management, promotion and publicity, assistance with the centennial celebration, acting as liaison with Friends of the Market, exploring grant and funding opportunities, assisting with coordination of the 2005 NAPMM Conference, exploring and developing Public Market district opportunities and developing and implementing special events.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-355
(Int. No. 382)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rochester Public Market

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Joan Hildebrand for assistance with the management and operation of the Rochester Public Market. Said amount shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-356
Re: Permanent Easement - Canadice Lake Road

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the granting of a Permanent Easement to George T. Mermagen over a strip of land on the east side of Canadice Lake Road being part of the Canadice Lake Watershed property owned by the City of Rochester. The Easement will allow Mr. Mermagen access to his landlocked property at 6277 Canadice Lake Road.

The Easement area is 33' wide by 318' long and has been valued at \$1,000 by Independent Appraiser Kevin Bruckner, MAI. The City's Water Bureau has

reviewed this matter and supports the granting of this Permanent Easement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-130

Ordinance No. 2004-356
(Int. No. 383)

Granting An Easement In The Town Of Canadice

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the grant of a permanent easement to George T. Mermagen over a strip of City watershed property approximately 33 feet wide by 318 feet long on the east side of Canadice Lake Road to provide access to Mr. Mermagen's property at 6277 Canadice Lake Road, for the sum of \$1,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-357
Re: Professional Services Agreement -
935 West Broad Street Brownfield
Remedial Investigation and Remedy
Selection

R2010: Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is legislation authorizing a professional services agreement with LaBella Associates PC (LaBella) for a remedial investigation and selection of a cleanup remedy for a brownfield property at 935 West Broad Street for a maximum cost of \$52,280. The cost of this agreement will be financed from a 2003 brownfield assessment grant from the United States Environmental Protection Agency (USEPA) Brownfield Redevelopment Initiative.

The former Caribbean Service Center site located at 935 West Broad Street has been abandoned and tax delinquent for several years. The City acquired the property through foreclosure and will use USEPA grant funds awarded in 2003 to complete site investigation activities, reuse planning, and selection of cleanup plans. Remedial investigation and remedy selection activities will be completed under a Brownfield Cleanup Agreement with the New York State Department of Environmental Conservation (NYSDEC).

On June 2, 2004 the Department of Environmental Services advertised a request for proposal for project consulting services. Nine proposals were received. LaBella is recommended based on the quality of its proposal, experience with NYSDEC petroleum and voluntary cleanup programs, City brownfield projects, the proposed project team, and reasonableness of costs.

Under this agreement, LaBella will complete remedial

investigation activities and develop a cleanup action plan including:

- a. Identification of site soil and groundwater data gaps that require additional investigation in order to perform an exposure assessment, establish appropriate remedial objectives, and select effective remedial alternatives;
- b. Evaluation of soil and groundwater data and the identification of remedial parameters and conditions needed to evaluate remedial approaches;
- c. Investigation and evaluation of petroleum contamination of soils in the former underground storage tank (UST) location;
- d. Preparation of a project remedial investigation work plan for submission to the NYSDEC;
- e. Preparation of draft and final site investigation and remedy selection reports, including a data usability report;
- f. Evaluation of remedial alternatives consistent with the contemplated site reuse and recommend a preferred approach; and
- g. Preparation of a reuse concept plan, with involvement of the community, for use by parties interested in redeveloping the site.

Once a recommended remedy is selected and costs identified, DES will identify the most appropriate NYSDEC cleanup program and grant funding sources.

This agreement will have an initial term of one year with provisions for annual renewals for an additional two year period based on mutual written agreement. Adjustment to the specific unit prices during the second and third year will be permitted subject to the City's approval.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-357
(Int. No. 384)

Authorizing An Agreement For Brownfield Services At 935 West Broad Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with LaBella Associates P.C. for remedial investigation and remedy selection services for the brownfield property at 935 West Broad Street for a term of one year, with two one-year renewal options. Unit prices may be adjusted during any renewal period with the City's approval.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$52,280, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2003 Brownfield Assessment Grant Funds received from the United States Environmental Protection Agency.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-358
Re: Professional Services Agreement -
399 Gregory Street Brownfield
Remedial Investigation and Remedy
Selection

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing a professional services agreement with Stantec Consulting (Stantec) for environmental remedial investigation and remedy selection services in connection with a brownfield property at 399 Gregory Street. The maximum cost of this agreement will be \$60,900 which will be financed from a 2003 brownfield assessment grant from the United States Environmental Protection Agency Brownfield (USEPA) Redevelopment Initiative.

The Former Davidson Collision site located at 399 Gregory Street has been abandoned and tax delinquent for several years. The property has also been under investigation by the New York State Department of Environmental Conservation (NYSDEC) since the early 1990's due to waste paint and solvent releases. The City plans to foreclose on this property and use USEPA grant funds awarded in 2003 to complete site investigation activities, reuse planning, and remedy selection. Remedial investigation and remedy selection activities will be completed under a Brownfield Cleanup Agreement between the City and the NYSDEC.

On June 2, 2004, the Department of Environmental Services advertised a request for proposal for project consulting services. Nine proposals were received. Stantec is recommended based on the quality of its proposal, experience with NYSDEC and USEPA brownfield programs and City brownfield projects, the proposed project team, and reasonableness of costs.

Under this agreement Stantec will complete remedial investigation activities and develop a cleanup action plan including:

- a. Identification of site soil and groundwater data gaps that require additional investigation in order to perform an exposure assessment, establish appropriate remedial objectives, and select effective remedial alternatives;
- b. Evaluation of the area where the 1993 soil removal action was performed at the site. The potential for remaining impacted soils must be evaluated as part of this project;
- c. Evaluation of soil and groundwater data and the identification of remedial parameters and conditions needed to evaluate remedial approaches;
- d. Investigation and evaluation of an apparent source of VOC (BTEX) contamination of soils in a former auto maintenance area under the eastern section of the footprint of the building;
- e. Preparation of a project remedial investigation work plan for submission to the NYSDEC;

- f. Preparation of draft and final site investigation and remedy selection reports, including a data usability report;
- g. Evaluation of remedial alternatives consistent with the contemplated site reuse and recommend a preferred approach; and
- h. Preparation of a reuse concept plan, with involvement of the community, for use by parties interested in redeveloping the site.

This agreement will have an initial term of one year with a provision for a one year renewal based on mutual written agreement. Adjustment to the specific unit prices during the second will be permitted subject to the City's approval.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-358
(Int. No. 385)

Authorizing An Agreement For Brownfield Services At 399 Gregory Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Stantec Consulting for remedial investigation and remedy selection services for the brownfield property at 399 Gregory Street for a term of one year, with a one-year renewal option. Unit prices may be adjusted during the renewal period with the City's approval.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$60,900, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2003 Brownfield Assessment Grant Funds received from the United States Environmental Protection Agency.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
October 26, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 386 - Cancellation Of Taxes And Charges

Int. No. 387 - Authorizing An Agreement With The County Of Monroe For Funding Under The 2005 STOP DWI Program

Int. No. 388 - Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Outbound Telephone Notification Services

Int. No. 389 - Appropriating Funds For The School #34 Tutoring Program

Int. No. 390 - Resolution Establishing The Schedule For The Regular Council Meetings During 2005

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-359
Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$55,224.62.

A sum of \$53,857.12 or 97.52% of the total, is attributed to three properties that were purchased through foreclosure sale. The pre-existing judgements were cancelled by that action and should not have been added to this tax bill.

An amount of \$1,367.50 or 2.48% of the total, relates to one property that had code violation and rehabilitation charges levied against it. The property is owned by a United States serviceman who was on active duty in Kuwait during the time of the assignment of these charges. Those charges are invalid pursuant to Sections 304 and 305 of the Military Law of New York State.

If this cancellation is approved, total cancellations thus far for 2004-05 will be \$ 394,680.92.

	<u>Accounts</u>	<u>Amounts</u>
City Council	14	\$380,723.21
Administrative	44	13,957.71
Total	58	\$394,680.92

These cancellations represent 0.181% of the taxes receivable as of July 1, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-359
(Int. No. 386)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) Three properties were purchased through foreclosure sales. Code violation and rehabilitation charges were against the prior owner. The charges remain unpaid.

S.B.L.#	Class	Tax Year	Amount Canceled
---------	-------	----------	-----------------

Address			
120.360-0002-043	H	2005	
\$14,807.12			
32 King St.			
120.500-0001-049	H	2005	
22,700.00			
92 Wellington Ave.			
121.270-0001-012.1	NH	2005	-
16,350.00			
595 University Ave.			

\$53,857.12

- (b) Rehabilitation and code violation charges were levied against Mr. Floyd who was in Kuwait on active military duty. These charges are being removed in accordance with the Military Law of New York State. The owner's bank has paid these charges as part of the first tax installment.

S.B.L.#	Class	Tax Year	Amount Canceled
Address			
120.650-0002-027	H	2005	\$ 1,367.50
246 Warwick Ave.			
Grand Total			\$55,224.62

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-360
Re: 2005 STOP DWI Program

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation relating to the 2005 STOP DWI Program. This legislation will authorize an agreement with the County of Monroe for receipt and use of a grant of \$144,448. This grant will fund enforcement efforts directed against intoxicated drivers and sellers of alcoholic beverages to minors during 2005. The Rochester Police Department has received grant funds under this program since 1984.

The City received \$186,951 under this program in 2004. The decrease in funding for 2005 reflects both a 12% reduction in the funds Monroe County received from the State as well as a 16% decline in City DWI arrests in 2003 compared to the previous year. All DWI funds received by the City of Rochester to date have been used to support Police Department activities. The largest portion has provided overtime traffic enforcement patrols, using personnel from the patrol sections. A portion has underwritten enforcement details targeted at stores that sell alcoholic beverages. A smaller portion has been used for radar units, alcohol sensing equipment, video equipment to record DWI suspects' behavior, and personnel training.

Project spending for 2005 is as follows:

Traffic Enforcement Overtime	\$119,158	82%
Underage Sales Enforcement	10,000	7
Alco Sensors (10 units)	3,490	2
Equipment Maint./Repairs	7,000	5
Breath Test Mouth Pieces	800	1
Traffic Enforcement Training	4,000	3
Total	\$144,448	

The County allocation formula is based on a basic grant of \$3,000 to each police agency, with the remainder being allocated based on DWI arrest totals for the past calendar year. In 2003, RPD arrests for DWI offenses were 999, compared to 1198 the prior year.

Projected revenues and expenditures related to the initial 6-months of the 2005 STOP-DWI program are included in the 2004-05 operating budget of the Police department; therefore, no budget amending is necessary. The remaining funds will be included in the Police Department's proposed 2005-06 budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-360
(Int. No. 387)

Authorizing An Agreement With The County Of Monroe For Funding Under The 2005 STOP DWI Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the 2005 STOP DWI Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-361
Re: Agreement - Sam Asher Computing Services, Inc. Outbound Telephone Notification Service

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Sam Asher Computing Services, Inc., 3300 Monroe Avenue, Suite 317, Rochester, New York 14618 for Outbound Telephone Notification Services for the Emergency Communications Department. Authorization is sought for an initial term of one year commencing on March 1, 2005 through February 28, 2006, with renewal options for three additional one-year terms. The maximum annual cost of this agreement will be \$17,500, which will be financed from the annual budget of the Emergency Communications Department, and shall be reimbursed to the City by Monroe County under the 9-1-1 Operating Agreement authorized by the City Council on May 10, 1994.

The Outbound Telephone Notification Service will empower the Emergency Communications Department to assist law enforcement, fire, and EMS agencies by quickly providing warnings and emergency instructions to large groups of people in the immediate area of a critical incident via the telephone. The system will make up to three attempts to reach each telephone number within the selected group, and will leave messages on answering machines. Calling campaigns will include both listed and unlisted telephone numbers, and both residential and business telephone numbers.

This agreement will replace the current agreement with Sam Asher Computing Services, Inc. for outbound telephone notification services, which will expire on February 28, 2005. Sam Asher Computing Services, Inc. has successfully provided outbound telephone notification services as requested by the Emergency Communications Department since September 2002, and increased use of the service is anticipated.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-361
(Int. No. 388)

Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Outbound Telephone Notification Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$17,500, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Sam Asher Computing Services, Inc. for outbound telephone notification services for the 911 Emergency Communications Center for a term of one year, with three additional one-year renewal options. Said amount shall be funded from the 2004-05 and subsequent Budgets of the Emergency Communications Department, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.
TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-362
Re: Human Services Project

R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation appropriating funds for the following human service project:

Organization: Neighborhood Empowerment Team
Project: School #34 Tutoring Program
Amount: \$5,000

The Bureau of NET will administer and develop a contract for coordination of the School #34 Tutoring Program to provide tutoring services to improve students scores in math, science, English, as well

as provide positive role models. Students in grades K-6 who have been identified by their teachers, will receive these services. Tutoring will occur in a classroom setting under the guidance of the teacher and be provided by students from John Marshall High School who are participating in various programs at school and community service projects.

This project is in the fifth year of CDBG funding. It is considered to be a project with matching funds and is therefore eligible for up to five years of funding under the human services funding guidelines approved by City Council in June 1981. The most recent agreement for these services was authorized on March 23, 2004 in Ordinance No. 2004-82. The cost of the agreements will be financed from the General Community Needs allocation of the 2004-05 Community Development Block Grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-131

Ordinance No. 2004-362
(Int. No. 389)

Appropriating Funds For The School #34 Tutoring Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program to fund the School #34 Tutoring Program to be administered by the Neighborhood Empowerment Team.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-24
Re: Resolution Establishing The
Schedule For The Regular Council
Meetings During 2005

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is a resolution that establishes the 2005 City Council meeting schedule.

The proposed schedule has been reviewed by Council staff and the Mayor's office in order to eliminate any potential conflicts with either civic or religious holidays. The number of scheduled regular meetings is the same as the current year

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2004-24
(Int. No. 390)

Resolution Establishing The Schedule For The Regular Council Meetings During 2005

WHEREAS, City Council adopted the current Rules of Council on January 3, 2002, by Resolution No. 2004-4, and

WHEREAS, in such Rules, the Council established the dates for the regular Council meetings for 2004 and indicated that the schedule for 2005 would be established in a Resolution adopted during 2004,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The following shall be the schedule of regular meetings of the Council for 2005 to be held in the Council Chambers, City Hall, at 8:00 P.M.

- January 18
- February 15
- March 15
- April 12
- May 10
- June 14
- July 12
- August 9
- September 6
- October 11
- November 15
- December 20

and also at such other times as the Council may by adjournment to a day certain appoint. When the date for the regular meeting falls on a legal holiday, the meeting shall be held on the following day.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:21 P.M.

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
NOVEMBER 23, 2004

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - none - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

- Retirement:
 - DPRHS
 - Alan M. Colletta
 - RFD
 - Robert F. Yanus
 - RPD
 - Anthony G. Campione
 - COM
 - *Sharon Orienter
 - DES
 - *David L. Keefe, Jr.
 - *George Redling
 - *Victor M. Santiago
- *Not attending meeting.

APPROVAL OF THE MINUTES
By Councilmember Stevenson

RESOLVED, that the minutes of the Regular Meeting of October 26, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3786-7
 - Quarterly Reports. 3787-7
 - Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3788-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Approving A Decrease In The Pavement Width Of Lake Avenue North Of Donald Street Int. No. 408
No speakers.

Authorizing The Acquisition By Negotiation Or Condemnation Of Fee And Easements At 50 Hughes Place (A.K.A. 0 Petten Street) For The Genesee Riverway Trail Int. No. 409 One speaker: Alan Knauf.

THE COUNCIL PRESIDENT - INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

Councilmember Mains moved to have Introductory No. 413 tabled and moved to the end of the agenda.

The motion was seconded by Councilmember Stevenson.

The motion was adopted unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
November 23, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 394 - Authorizing The Sale Of Real Estate

Int. No. 395 - Authorizing Agreements For The Home Rochester Program

Int. No. 396 - Approving The Lease Of 399 Gregory Street

Int. No. 397 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

Int. No. 398 - Amending Ordinance No. 2004-316 Relating To A Tax Exemption For The Olean & Kennedy Revitalization Project, As Amended

Int. No. 399 - Amending Ordinance No. 2004-315 Relating To The Olean & Kennedy Revitalization Project, As Amended

Int. No. 166A - Amending Chapter 90 Of The Municipal Code With Respect To Business Certificates Of Use And Electrical Requirements, As Amended

Respectfully submitted,
Wade S. Norwood
Lois J. Giess
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE
Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-363
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of sixteen properties. Staff has audited the city records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first four properties are structures that were sold at public auction. Purchasers will be required to rehabilitate the structures in accordance with legal uses within nine months of closing.

The next five properties are structures that were sold at a Request for Proposal sale. Purchase prices were established by an independent appraiser, Kevin L. Bruckner, MAI.

The next property is a single family structure that is being sold to the Rochester Housing Development Fund Corporation. The structure will be rehabilitated

and sold to an individual with a household income not to exceed 80% of the median income for the statistical area.

The next property is the rear portion of a vacant lot that is being sold to the adjoining owner for its appraised value. The parcel will be fenced and combined with the purchaser's adjoining property.

The last five properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-132

Ordinance No. 2004-363
(Int. No. 394)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address S.B.L.#	Legal Use Purchaser	Price
418 Alphonse St. 106.26-3-32	1 Family Timothy Halter, II	\$5,300
122 Avenue B 106.21-1-70	1 Family Gary Nemi & Sergei Golubkov	5,100
434 Central Pk. 106.52-1-27	1 Family Gary Nemi & Sergei Golubkov	6,300
23-25 Fair Pl. 106.68-1-8	1 Family Robert Adams	5,900

Section 2. The Council hereby further approves the sale of the following parcels of improved property by request for proposal sale:

Address Purchaser	S.B.L.#	Price
925 Maple St. Rose MacDonald	120.32-1-17	\$15,000
629-633 Oak St. Gary Carlson	105.67-2-43	7,500
285-295 Smith St. Ismael Cruz	106.61-1-51,52&53	10,000
551-555 State St. Santosh & Harnam Marwaha	106.61-1-47	7,500
385-389 Webster Av. Christine Cataldo & Kathy Goldberg	107.45-2-23	32,500

Section 3. The Council hereby further approves the negotiated sale of the following parcel of improved property:

Address: 377 Post Av.
S.B.L.#: 120.80-1-38
Legal Use: 1 Family
Price: \$10,000
Purchaser: Rochester Housing Development Fund Corporation*

*Officers: Jean Lowe, Kevin Recchia, Robert Barrows

Section 4. The Council hereby further approves

the negotiated sale of the following parcel of vacant land:

Address: Pt. of 126 Rohr St.
 S.B.L.#: Pt. of 106.43-2-53
 Price: \$120
 Purchaser: Rider Velazquez

Section 5. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	S.B.L.#	Sq. Ft.
191 Cady St.	120.59-2-5	5214
NH 114 Conkey Av.	Pt. of 106.29-2-28	1736±
3 Lamont Pl.	106.60-3-22	4846±
25 Leo St.	091.71-4-14	2801±
48 Teresa St.	106.43-4-40	3900

Section 6. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-364
 Re: Home Rochester Program

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$150,000 from the Home Rochester allocation of the 2004 HOME Program, and authorizing an agreement with the Rochester Housing Development Fund Corporation, 183 East Main Street, and any other agreements necessary, for implementation of the Home Rochester Program.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant single-family houses for resale to income-eligible households. The program is administered by the Rochester Housing Development Fund Corporation (RHDFC).

The proposed appropriation will provide subsidies of up to \$20,000 for the acquisition and rehabilitation of up to eight vacant structures by participating developers.

Participating developers include the Urban League of Rochester Economic Development Corporation and twelve Community Housing Development Organizations, any of whom may participate (see attached list).

The rehabilitated properties are marketed through the HOME Store to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre- and post-purchase homebuyer

education classes and reside in the properties for a minimum of ten years.

The current agreement with the RHDFC for administration of the program was authorized by the City Council in June 2004 (Ordinance No. 2004-179).

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AD-133

Ordinance No. 2004-364
 (Int. No. 395)

Authorizing Agreements For The Home Rochester Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the Rochester Housing Development Fund Corporation and any other necessary parties to provide subsidies for the acquisition and the rehabilitation of vacant structures by participating developers as a part of the Home Rochester Program.

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$150,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2004 HOME Program Funds.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Stevenson - 8.

Nays - None - 0.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-365
 Re: Lease Agreement - 399 Gregory Street

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation authorizing a lease agreement between the City and John T. Trickey for property at 399 Gregory Street. The leased premises will be developed into a 15-space parking lot by Mr. Trickey and will supply off-street parking for his adjacent building at 389-395 Gregory Street.

The term of the lease will be for one year with five renewal options of one year each and a 60 day cancellation option. The renewal options will include the same terms and conditions as the original lease.

The rental amount will be \$200 per month as estab-

lished by an independent appraisal prepared by Kevin L. Bruckner, MAI.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-134

Ordinance No. 2004-365
(Int. No. 396)

Approving The Lease Of 399 Gregory Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with John T. Trickey for the lease of 399 Gregory Street for parking use, for a term of one year, with five one-year renewal options. The lease agreement shall contain a sixty day cancellation clause on behalf of the City.

Section 2. The lease agreement shall obligate the lessee to pay to the City annual rent in the amount of \$2,400, payable in monthly amounts of \$200.

Section 3. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-366
Re: Lease - 1015 Thomas Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing a one year lease agreement between the City and Voyager Boat Sales, Inc. for the continued use of premises located at 1015 Thomas Avenue. Voyager has leased this area from the City for more than thirty years.

The current lease is due to expire on December 31, 2004. The new lease will commence January 1, 2005 and expire on December 31, 2005. The monthly rental amount will be \$2,200 and was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-366
(Int. No. 397)

Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Voyager Boat Sales,

Inc. for the continued lease of 1015 Thomas Avenue for one year. The agreement shall obligate Voyager Boat Sales, Inc. to pay rent in the amount of \$26,400, payable in monthly amounts of \$2,200.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-367 And
Ordinance No. 2004-368
Re: Olean & Kennedy Revitalization Project

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Olean & Kennedy Revitalization Project. The legislation will:

1. Amend Ordinance No. 2004-315 and Ordinance No. 2004-316 by deleting the following four properties:

- 29 Bartlett Street
- 163-65 Bartlett Street
- 226 Hawley Street
- 254-256 Hawley Street

2. Further amend Ordinance No. 2004-316 by adding the following parcels as part of the project and, therefore, eligible for an exemption from property taxes in the agreement for payments in lieu of taxes (PILOT) with the Providence South Plymouth Housing Development Fund Company, Inc.:

- 162 Atkinson Street
 - 419 Champlain Street
 - 395 Columbia Avenue
 - 415 Columbia Avenue
- A portion of what is currently known as 664 S. Plymouth Avenue (shown as lots 2 & 3 on the Edith Street Subdivision map prepared by Stantec, October 8, 2004).

City Council Ordinance Nos. 2004-315 and 2004-316 authorized in September 2004, approved the sale of 28 parcels to the Providence South Plymouth Housing Development Fund Company, Inc. and a payment in lieu of taxes agreement for the Olean & Kennedy Revitalization Project. It has been determined that the four properties to be deleted were not suitable for the project and are therefore being requested to be removed. The parcels being added to the PILOT agreement are part of the project and were inadvertently omitted from Ordinance 2004-316. All other authorizations included in these ordinances remain unchanged.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-135

Ordinance No. 2004-367
(Int. No. 398, As Amended)

Amending Ordinance No. 2004-316 Relating To A Tax Exemption For The Olean & Kennedy Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-316, relating to a property tax exemption for the Olean & Kennedy Revitalization Project, is hereby amended by adding a part of 664 South Plymouth Avenue, SBL #120.61-02-28 (lots 2 & 3 as shown on a subdivision map entitled "Edith Street Subdivision" prepared by Stantec Consulting, dated October 8, 2004) and the following parcels to the list in Section 1:

Address	SBL
162 Atkinson St.	121-37-1-33
419 Champlain St.	120.59-2-68
395 Columbia Ave.	120.75-1-25
415 Columbia Ave.	120.75-1-21
431 Frost Ave.	120.67-2-30
437 Frost Ave.	120.67-2-31

Section 2. Ordinance No. 2004-316 is hereby further amended by deleting the following parcels from the list in Section 1:

Address	SBL
29 Bartlett St.	121.61-2-19
163-165 Bartlett St.	120.67-3-15,14
226 Hawley St.	120.76-1-15
254-256 Hawley St.	120.76-1-9

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2004-368
(Int. No. 399, As Amended)

Amending Ordinance No. 2004-315 Relating To The Olean & Kennedy Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-315, relating to the sale of real estate for the Olean & Kennedy Revitalization Project, is hereby amended by deleting authorization for the sale of the following parcels from the lists in Section 1:

Address	SBL
29 Bartlett St.	121.61-2-19
163-165 Bartlett St.	120.67-3-15,14
226 Hawley St.	120.76-1-15
254-256 Hawley St.	120.76-1-9

Section 2. Ordinance No. 2004-315, relating to the sale of real estate for the Olean & Kennedy Revitalization Project, is hereby amended by adding authorization for the sale of the following parcels to the lists in Section 1:

Address	SBL
431 Frost Ave.	120.67-2-30
437 Frost Ave.	120.67-2-31

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Introductory No. 166 was replaced by substituting Introductory No. 166A.

TO THE COUNCIL
Ladies and Gentleman:

Ordinance No. 2004-369
Re: Amendments - Enhanced C of U

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval are several amendments to the Enhanced Certificate of Use proposal. These amendments reflect months of discussion, analysis and debate on this issue. They reflect the underlying assumptions that the proposed \$100 annual fee for all affected businesses was too burdensome, and that an annual inspection on every affected business was unnecessary and intrusive.

The proposed amendments will modify the fee schedule as follows:

1. The initial fee for a C of U will remain at \$100.
2. Annual renewals will require a \$10 processing fee and will not require an inspection, unless concerns have arisen about the location within that year. The applicant will be required to submit a signed application, verifying that there have been no changes to the name, type, location, or operator of the business. If an applicant fails to respond to the City's renewal notice within 30 days, the application will be considered a new application and the \$100 fee will apply.
3. The fee for a Conditional C of U will be \$300.
4. The fees will be waived for those businesses who hold other City licenses; however, the failure to renew those licenses in a timely fashion will also trigger the \$100 charge for the C of U.

The attached chart details the revenues and expenditures that will result from these amendments. As you will note, the expenditures for staffing in the second and subsequent years decline by approximately \$52,000, to reflect the reduction in revenues.

These amendments have been reviewed by NET, Budget, Law and the Mayor's office to ensure that they represent accurate projections that will allow the program to be self-sustaining not just in the first year but throughout its existence. It is our belief that these amendments enable us to move ahead with this aggressive approach to addressing neighborhood nuisances without unduly burdening the vast majority of our legitimate and contributing businesses.

Respectfully submitted,
Wade S. Norwood, Chair
Housing & Economic
Development Committee
William F. Pritchard
Councilmember
At-Large

Attachment No. AD-136

Councilmember Curran moved to amend Introductory No. 166A.

The motion was seconded by Councilmember Norwood.

The motion was adopted unanimously.

Ordinance No. 2004-369
(Int. No. 166A, As Amended)

Amending Chapter 90 Of The Municipal Code With Respect To Business Certificates Of Use And Electrical Requirements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 90 of the Municipal Code, Property Conservation Code, is hereby amended by amending Articles II and III thereof to read in their entirety as follows:

Article II. Business Certificates of Use.

§90-31. Purpose.

The purpose of this Article is to establish regulatory controls to ensure that certain businesses are operating in accordance with the law, do not have a serious negative impact upon surrounding residential neighborhoods, or do not endanger the health, safety or welfare of persons in the City of Rochester.

§90-32. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BAR - A premises where alcoholic beverages are sold for consumption on the premises; or a premises operated for profit or pecuniary gain or as a place of assembly where alcoholic beverages are provided by the operator of the premises, his or her agents, servants or employees, or are brought onto said premises by persons assembling there. This definition shall exclude businesses that hold a current Sexually Oriented Business License.

BUSINESS - A bar, drugstore, food store, laundromat, restaurant, retail store or salon as defined herein.

DRUGSTORE - A premises where prescription drugs are sold at retail, together with dry goods, food or beverages.

FOOD STORE - A premises with a total floor space less than twenty thousand (20,000) square feet in which fifty percent (50%) or more of its sales area is devoted to the sale of food and beverage items to be consumed off the premises.

LAUNDROMAT - A premises where washing machines and dryers are available for public use.

RESTAURANT - A premises where food and/or beverages are sold to be consumed on the premises. This definition shall not include a premises where a non-alcoholic beverage or snack is available but is incidental to the conduct of the business at the premises. This definition shall exclude businesses that hold a current Sexually Oriented Business License.

RETAIL STORE - Any business not otherwise

covered by this section which has less than twenty-thousand (20,000) square feet of floor space and is accessible to the public, where goods, merchandise or equipment are sold, rented or leased at retail. This definition shall exclude the following businesses: businesses that are not for profit, service and/or entertainment oriented businesses where the sale of merchandise is incidental to the conduct of the intended use, Motor Vehicle Repair Shops and Dealers, Automobile Rental Agencies, businesses that hold a current Sexually Oriented Business License, and Gasoline Stations which do not meet the definition of a food store.

SALON - An establishment where a hairdresser, barber or beautician conducts their trade, other than a home occupation.

§90-33. Certificate of use required.

No person shall operate or maintain a business within the city without first obtaining a Certificate of use authorizing the operation of said business by said operator at the specific business location. The authority for certificates of use issued pursuant to this chapter shall be the Director of NET.

§90-34. Application.

- A. An application for a Certificate of Use shall be made to the NET Code Enforcement unit by the business owner and operator, if other than owner, on forms provided by the Director of NET. The application shall request relevant information relating to the owner and operator, if any, of the business to be conducted at the premises. Where the owner is not directly involved with the day to day operation of said business, the operator must also be included on the application. If a partnership, corporation or other business entity is involved, the application must designate an operator who is involved in the day to day operation of the business. In this situation the certificate shall be issued to the operator, the names, addresses and phone numbers of the partners, officers or principals shall be listed on the application. All addresses of persons involved shall be home addresses, listing street and number.
- B. The Code Enforcement unit shall only accept applications where all information requested has been supplied and verified for accuracy. Anyone currently serving a period of suspension, revocation, or who has had an application for certificate of use denied, is ineligible to apply for a certificate during a period of suspension or for a period of one year from the date of revocation or denial. The applicant(s) must also demonstrate to the Code Enforcement unit that he/she has procured all necessary licenses and permits for the business.
- C. The Director of Zoning shall cause a review of the location to ensure that the operation of the business at that location will be in compliance with the Zoning Code.
- D. The Chief of Police shall cause an investigation to be made of the background of the owner, operator and location of the business including, but not limited to: a review of all calls for service to the location of the premises in the past year and a criminal records check of the owner and operator.

- E. Except as provided in New York Correction Law, Article 23-A, the Director of NET reserves the right to deny a certificate to any person who has pled guilty to or has been convicted of any crime which is related to the operation of the business.
- F. The Director of NET shall cause an application to be administratively canceled if the applicant fails, upon receipt of written notice and time to cure, to abate code violations, or to pay any outstanding judgements rendered by the Municipal Code Violation Bureau, or to complete a building permit or zoning application, or for the owner of the premises to resolve any delinquent tax balances to the satisfaction of the Department of Finance.

§90-35. Inspections.

The Director of NET and the Fire Chief may cause an inspection of the premises to be made to determine whether the applicant is in compliance with the laws and ordinances which they are charged with enforcing. For purposes of a renewal application, no inspection shall be required by NET unless during the previous licensing period a violation of a state or local law, ordinance or regulation which occurred at the premises has been proven in a court of law or in the Municipal Code Violations Bureau. Said Director and Fire Chief and members of their staff shall have the right to enter upon any premises for which a certificate of use is sought when the business is open for the purpose of making such an inspection of areas open to the public, or other areas with consent, and shall also have the authority to seek warrants where the same are constitutionally required.

§90-36. Issuance of Certificate.

- A. All new applications for a certificate of use as of the effective date of this Article shall be issued or denied within thirty (30) days after the initial inspection is completed.
- B. No certificate of use shall be issued unless the applicant and business have fully complied with the provisions of this Article and have obtained all necessary licenses and permits for the operation. No certificate of use shall be issued to a premises while charges are pending pursuant to §3-15 of the City Charter, or while any other nuisance abatement proceeding or action is pending against the premises.
- [C. No certificate of use shall be issued unless the applicant(s) has been found to be of good moral character and a fit and proper person to hold a certificate.]
- [D] C. No certificate of use shall be issued unless the premises is in compliance with the Municipal Code.
- [E] D. No certificate of use shall be issued to any person or property against whom judgment has been rendered by the Municipal Code Violation Bureau in response to a complaint charging a violation of any section of the Municipal Code, which judgment has not been satisfied.
- [F] E. No certificate of use shall be issued to any person to operate a business at a premises that has delinquent taxes, unless the owner of the property has entered into an agreement of payment for all outstanding taxes with the Department of Finance.

- [G] E. No certificate of use shall be issued for a period of one year after the applicant has been found guilty of operating a business without a certificate of use.

§90-37. Operation of Businesses.

- A. The owner and operator of any business shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of businesses and the occupation, use and maintenance of the premises.
- B. The owner and operator of any business shall comply with all the notices, orders, decisions and rules and regulations made by the Chief of Police, Fire Chief, NET Director and the Director of Zoning governing the occupation and use of the premises.
- C. The business owner and operator shall not employ any person who has had a certificate of use revoked or denied within the past year, where the underlying violations involved dangerous weapons or the sale of illegal drugs.
- D. The owner or operator of any business shall cause the certificate of use to be posted in a conspicuous place immediately visible upon entering the business.
- E. The owner or operator of any business shall not permit at any time a greater number of persons on the premises than the capacity authorized by the city. All places of public assembly shall have occupancy signs posted as required by the Building Code of New York State.
- F. The owner or operator of any business shall maintain good order on and about the premises at all times. The premises shall include the building in which the business is located, as well as accessory structures and uses, including parking lots, and the land on which the building is located. The owner or operator of any business shall be responsible to remove refuse and obstructions from the sidewalk in accordance with Municipal Code requirements, and to operate the business so that neither the business nor its patrons become a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The lack of good order shall include, but not be limited to, the following:
- (1) Suffering or permitting the premises to become disorderly, including suffering or permitting fighting or lewdness.
 - (2) Gambling.
 - (3) Prostitution.
 - (4) Illegal possession, use, gift, sale, or offer for sale of alcoholic beverages.
 - (5) Illegal possession, use, gift, sale, or offer for sale of cigarettes or tobacco products.
 - (6) Food stamp or welfare fraud or criminal diversion of prescription medications and prescriptions.
 - (7) Litter.

- (8) Possession, use, gift, sale, or offer for sale of illegal drugs.
- (9) Noise violations.
- (10) Possession of stolen property.
- (11) Operating beyond the legal hours of operation.
- (12) Illegal possession, use, gift, sale, or offer for sale of dangerous weapons.
- (13) Unlawfully dealing with a child or allowing or permitting sexual performances by a child.
- (14) Any other nuisance activity listed in §3-15 of the City Charter.

G. The Director of NET may promulgate rules and regulations to govern the operation of certificate of use under this Chapter so as to provide for the orderly operation of the businesses and to ensure the public safety and the peace and tranquility of the neighborhood where the businesses are located.

§90-38. Fees.

- A. The fee for a new Certificate of Use shall be one-hundred dollars (\$100) [annually,]. For renewal applications which are submitted within thirty (30) days after the mailing of a renewal notice by the City, there shall be a processing fee of ten dollars (\$10). For renewal applications submitted after that time, the fee shall be one-hundred dollars (\$100), except that the fee for a Conditional Certificate of Use as set forth in subsection 90-41B shall be three-hundred dollars (\$300). [except that] [t]The fee for a new Certificate and the annual processing fee for renewal certificates shall be waived for any business that possesses either a current Entertainment License, a Second Hand Dealer License, an Amusement Center License, or a Pawnbroker License, but there shall be no waiver of renewal fees for applications submitted more than thirty days after the mailing of a renewal notice by the City or of fees for a Conditional Certificate of Use.
- B. Payment of the fee shall be due at the time the application is submitted by the applicant. All fees shall be nonrefundable.
- C. The fee for replacement of a certificate which is lost or destroyed shall be ten dollars (\$10).

§90-39. Expiration of the certificate.

- A. All certificates of use issued after the effective date of this Article shall expire one year from the date of issuance of the certificate, unless the certificate has been suspended or revoked.
- B. The Director of NET shall send a letter notifying the certificate holder(s) of the expiration of the certificate of use at least sixty (60) days prior to the expiration date. Only businesses which have submitted a renewal application thirty (30) days prior to the expiration date of their certificate shall be allowed to continue to operate past the expiration date until such time as a final determination is rendered on their renewal application.

§90-40. Transfer of Certificate.

- A. Certificates of Use shall not be transferred. In the event of any change involving the owner or operator of the business, the type of business, the name of the business or the business location a new certificate shall be required. A certificate of use shall not be transferred to any person who holds power of attorney.
- B. A certificate of use shall be deemed null and void when the certificate holder is not found operating the business for a period of one month, and fails to respond in person to the NET Code Enforcement Unit after having been sent a seven (7) day notification letter.

§90-41. Denial of a Certificate.

- A. The Director of NET may deny a certificate or deny the renewal of a certificate to any applicant who does not comply with the provisions of this chapter or any rule or regulation promulgated under this chapter, or who makes a material misrepresentation on the certificate application, or who is serving a period of suspension or revocation. The Director of NET shall give a written notification to an applicant of the reasons for the denial of a certificate.
- B. When the investigation conducted pursuant to §90-34 reveals that the applicant has violated either federal, state or local laws or rules and regulations, the Director of NET may authorize the issuance of a conditional certificate. The conditional certificate shall state the grounds for the conditional certificate, the conditions under which the applicant shall operate his/her business, be signed by the applicant, and contain a provision which provides that any violation of the conditional certificate, as solely determined by the City of Rochester, shall be deemed to be grounds for revoking the conditional certificate.

§90-42. Revocation of a Certificate.

- A. The Director of NET, after a hearing has been conducted, shall have the authority to revoke a certificate pursuant to this Code for a violation by the certificate holder, his/her agents or employees of any law, ordinance, rule or regulation of the State of New York or the City of Rochester.
- B. The Director of NET may revoke, without a hearing, the certificate of any person found guilty of either two or more high level violations, as determined by and listed in §3-15B(1) of the City of Rochester Charter, occurring on separate occasions during any period of one year, or five or more violations occurring within a period of two years. Nothing herein shall prevent the Director of NET from revoking a certificate of any person on written charges and an opportunity for a hearing thereon.

ARTICLE III. Penalties and Severability.

§90-45. Penalties for offenses.

- A. Any owner or operator who, having been served with a notice and order to remove any violation of this chapter or any nuisance, fails to comply therewith within the time fixed by

the Department shall be guilty of an offense punishable for each offense by a fine or penalty not exceeding those set forth in Chapter 52, Enforcement Procedures. Every day of such a violation may be held to constitute a separate offense.

- B. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties set forth in §13A-11 of the Municipal Code.
- C. Any owner or operator who violates any section of Article II of this chapter shall be subject to an immediate ticket. Every day of such violation may be held to constitute a separate offense for which additional tickets may be issued and for which penalties shall increase as set forth in §13A-11 of the Municipal Code.
- D. Any business, as defined in §90-32, operating without a certificate of use may be subject to an immediate notice and order to vacate that portion of the premises occupied by said business, which shall not be reoccupied until such time as the Director of NET has authorized its occupancy.

§90-46. Severability.

The several provisions of this chapter shall be in accordance with the following rules:

- A. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provision of this chapter.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular structure, such judgement shall not affect the application of said provision to any other structure.

Section 2. Certificates of Use which are valid on the effective date of this ordinance and allow an activity which is deemed to be a business under this ordinance shall remain in effect as provided in said certificate until the expiration of the time period set forth in the notification letter referenced in §90-39, but in no case later than one year from the effective date of this Article, unless earlier nullified, suspended or revoked.

Section 3. Any business which prior to the effective date of this Article was not required to obtain a certificate of use, shall be required to apply for their certificate no later than thirty (30) days after receiving a letter notifying them of the requirement to apply.

Section 4. Section 90-9 of the Municipal Code, Electrical requirements, as amended, is hereby further amended by amending subsection A thereof to read in its entirety as follows:

- A. General requirements. Existing electrical fixtures, devices, wiring and systems shall be maintained in safe working condition and in a manner which will avoid a potential source of ignition or shock and shall be properly connected to an adequate source of electric power. Any alterations shall comply with the requirements of the National Electrical Code (National Fire Protection Association NFPA 70, as adopted in Section 2701.1 of the New York State Building Code) and/or the Building

Code of the City of Rochester in existence at the time the work is performed. Fixed wiring, equipment, fixtures and devices shall be firmly secured to the surface on which they are mounted. Electrical wiring and equipment shall be protected against excessive current demands by properly rated over-current devices installed in approved locations. All panelboards shall be kept free from encumbrances and shall be accessible to occupants or a resident manager at all times.

Section 5. This ordinance shall take effect on [July 1, 2004] February 1, 2005, except that Section 4 shall take effect two weeks after the date of its adoption.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Mains
November 23, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 400 - Establishing Maximum Compensation For A Professional Services Agreement With Writers & Books, Inc. For The Wordcrafter Program

Int. No. 401 - Authorizing Agreements For Human Services Projects

The Public Services, Health & the Arts Committee recommends for consideration the following entitled legislation:

Int. No. 411 - Establishing Maximum Compensation For An Agreement For The 2005 MusicFest And Amending The 2004-05 Budget

Respectfully submitted,
Benjamin L. Douglas
Lois J. Giess
Gladys Santiago (Abstained vote on Int. No. 401.)
PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Received, filed and published.
TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-370
Re: Agreement - Writers & Books, Inc.,
Wordcrafter Program

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation authorizing an agreement with Writers & Books, Inc., 740 University Avenue, for the continuation of the City's Wordcrafter Program. The maximum cost of this agreement will be \$15,600, and will be financed from the 2004-05 budget of the Department of Parks, Recreation and Human Services.

The Wordcrafter Program involves a series of language arts workshops designed to enhance language ability and creative expression for people of all ages and abilities through writing, reading, and the spoken

word. The current agreement for the program was authorized by the City Council on November 18, 2003 and expires December 31, 2004.

Under the proposed one year agreement, Writers & Books will provide a minimum of eight youth and teen workshops, three adult workshops, and an Oral Histories workshop. Each workshop will be provided for 1.5 hours each week for 10 weeks at City Recreation/Community Centers.

The youth workshops will include activities to improve writing, language expression, reading skills and vocabulary through exercises such as word games, writing in personal journals, letter writing, storytelling and theater arts, and group writing. The adult workshops will teach traditional creative writing. The Oral Histories workshop will incorporate storytelling, writing and oral presentation.

Writers and Books will prepare all required materials and provide instructors for the workshops. They will also publish an anthology of the participants' writing, and special booklets for individual workshops.

Under the current agreement, approximately 180 youth and 30 adults have participated in the program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-370
(Int. No. 400)

Establishing Maximum Compensation For A Professional Services Agreement With Writers & Books, Inc. For The Wordcrafter Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Writers & Books, Inc. for the continuation of the City's Wordcrafter Program. Said amount shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-371
Re: Human Services Projects

- R2010: Campaign 2 - Educational Excellence
- Campaign 6 - Economic Vitality
- Campaign 7 - Quality Service
- Campaign 11 - Arts & Culture

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for Human Services projects:

<u>Organization Project</u>	<u>Amount</u>
Ibero American Action League, Inc. Youth Entrepreneurship &	\$50,000

Cultural Performance Program

Cornell Cooperative Extension of Monroe County Logic Model Training	2,000
Grace Urban Ministries G.U.M. Youth Programs	23,000
Center for Youth Services The Center House	25,000

Youth Entrepreneurship & Cultural Program and Logic Model Training will receive fifth year funding. Both are projects with matching funds and the agreements will be financed from the General Community Needs allocation of the 2004-05 Community Development Block Grant.

The agreement for G.U.M. Youth Programs, having received five years of CDBG funding, will receive emergency funds this year. The program experienced an unanticipated loss of funding from the Willmott Foundation. The Center House is a new agreement and will receive emergency funding for one year only. The Center House lost funding from one of its traditional sources. Both organizations have been advised to restructure and pursue new revenue in order to prevent a recurring need for emergency money. The funding for both agreements will come from the Emergency Transitional lines of the 2002-03 (\$3,000), 2003-04 (\$5,000), and 2004-05 (\$40,000) General Community needs allocation of the CDBG.

Program descriptions for all programs are included on the attached project information sheets.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-137

Ordinance No. 2004-371
(Int. No. 401)

Authorizing Agreements For Human Services Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements or amendatory agreements with the following organizations, or the following funds are authorized, for Human Services Projects in amounts not to exceed the following:

<u>Organization Project</u>	<u>Amount</u>
Ibero American Action League, Inc. Youth Entrepreneurship & Cultural Performance Program	\$50,000
Cornell Cooperative Extension of Monroe County Logic Model Training	2,000
Grace Urban Ministries G.U.M. Youth Programs	23,000
Center for Youth Services The Center House	25,000

Section 2. The agreements shall obligate the City

of Rochester to pay an amount not to exceed \$100,000, and of said amount, or so much thereof as may be necessary, \$3,000 is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Program, \$5,000 is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program and \$92,000 is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Stevenson - 8.

Nays - None - 0.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-372
Re: Agreement - 2005 Rochester MusicFest

R2010: Campaign 8 - Tourism Destination
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Lead Dog Marketing to manage the 2005 Rochester MusicFest, and amending the 2004-05 Budget to transfer \$100,000 from Contingency to the budget of the Department of Parks, Recreation and Human Services.

Lead Dog Marketing, of New York City, will be responsible for talent booking, logistical management, ticket operations, marketing, sponsorship solicitation, volunteer recruitment and administration and festival development at a maximum cost of \$830,000 plus commissions of 15% of new sponsorship income and 2% of renewal sponsorship income.

The most recent agreement for provision of these services was authorized by the City Council on December 23, 2003 for the 2004 Rochester MusicFest. The 2004 MusicFest was held at Genesee Valley Park July 16- 18 and was attended by more than 8,000 people. Revenue met expenses.

The Rochester MusicFest has been an anchor of the Rochester's summer festival season since 1995. It is not only a travel and tourism engine for our community, but the event contributes substantially to the overall quality of life in Rochester. Attendees begin to call the city in late winter so they can be sure to plan their summer schedules around the Rochester MusicFest.

Since 1995, tens of thousands of people have purchased tickets to be entertained at this outstanding musical weekend. Hundreds of thousands more have enjoyed free festival week performances by the Garth Fagan Dance Company, the Rochester Philharmonic Orchestra and other regional talent.

MusicFest is one of the largest urban festivals in the

north east and attracts 25% of its audience from out of town, tourists who pump tens of thousands of dollars into our community. Moreover, with the proper planning and time, the festival has the capacity to attract even more tourists to become a destination of choice during the summer season, particularly to those within a 400 mile radius.

Rochester MusicFest began its life as the American Music Festival, designed to provide a broad panoply of musical styles to festival goers. Over the years it became clear that scattershot programming did not provide enough depth for any genre and was somewhat confusing for the audience. It became clear from attendance patterns that ticket buyers preferred rhythm & blues, and the festival is now completely focused on this broad musical genre.

Over the last ten years the festival has been fortunate to be supported by a broad spectrum of community businesses who have recognized the importance of this festival. It is becoming more and more difficult to garner substantial corporate backing. Corporations who once gave so generously have had to tighten their belts in an increasingly difficult economy in Upstate New York.

Festivals, like anything else, have good and bad years. Some years the festival has netted nearly \$200,000, while in other years it has lost money. But with close fiscal oversight of the Rochester MusicFest Trust Fund, the MusicFest budget has been balanced every year. Festivals are also expensive to produce. In 1995, the festival cost nearly \$470,000; last year's festival cost \$805,000. Talent costs have skyrocketed along with rental fees, travel and fuel costs.

Last year, many national performance venues posted losses of millions of dollars as ticket buyers balked at purchasing high priced tickets. Locally, even moderately-priced venues found themselves in serious financial straits when audiences did not turn out as expected. Some music producers have even provided free tickets to give the appearance of a well-attended event and are under no obligation to release true ticket sales figures.

Rochester MusicFest has traditionally kept its ticket prices quite low, less than half of the cost of one concert ticket, while providing four times the amount of music. The festival has been able to do this because of the support of sponsors and the City of Rochester. I believe that this is a worthwhile investment and one we should not only continue to support but increase. Let me give you an example of another community and one of its festivals.

Caribana, founded in 1967, is the well-known Caribbean Festival held annually in Toronto. It was in dire financial straits by 1984 having posted half million dollar deficits. However, the government recognized the enormous tourist impetus Caribana provided Toronto and began to provide annual funding. By placing Caribana on solid financial footing, Caribana was able to thrive. It now brings over a million visitors to Toronto annually, visitors who spend millions of dollars in Toronto. While I would not assume to believe that MusicFest could attract that amount of people, we are surely poised to attract tens of thousands of visitors annually who will spend thousands of tourist dollars.

While my staff continue to look at ways to keep the festival as fiscally responsible as possible, it does not make sense to cut the budget to the bone, thus diminishing the quality of talent or services available.

Therefore, I propose the following budget, for 2005 (with 2004 figures for comparison):

	<u>2004</u>	<u>2005</u>
Revenue		
City	\$130,000	\$200,000
Corporate Supporters	129,000	150,000
Ticket Sales	140,763	180,000
Concessions	31,962	50,000
Trust Fund	<u>373,018</u>	<u>250,000</u>
	\$804,743	\$830,000
Expenses		
Music Production	\$430,720	\$430,000
Site	216,272	220,000
Concessions	27,310	30,000
Finance/Administration	28,741	20,000
Marketing/PR	<u>101,700</u>	<u>130,000</u>
	<u>\$804,743</u>	<u>\$830,000</u>
Surplus (Deficit)	\$ 0	\$ 0

The cost of the agreement will be financed from the 2004-05 and 2005-06 budgets of the Department of Parks, Recreation and Human Services and revenues from the Rochester MusicFest.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-138

Ordinance No. 2004-372
(Int. No. 411)

Establishing Maximum Compensation For An Agreement For The 2005 MusicFest And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$830,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lead Dog Marketing to provide talent booking, logistical management, ticket operations, marketing, sponsorship solicitation, volunteer recruitment and administration, and festival development for the 2005 Rochester MusicFest. Of said amount, \$589,700 shall be funded from the 2004-05 and \$60,000 from the 2005-06 Budgets of the Department of Parks, Recreation and Human Services, contingent upon adoption of said latter budget, and \$180,300 is hereby appropriated from the MusicFest Trust Fund. Lead Dog Marketing shall also be allowed to retain 15% of new sponsorship income and 2% of renewal sponsorship income, which amounts are hereby appropriated from anticipated revenue from the MusicFest Trust Fund.

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$100,000 from the Contingency Account to the Department of Parks, Recreation and Human Services to fund the 2005 Rochester MusicFest.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Norwood, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, Mains, Pritchard - 3.

By Councilmember Stevenson
November 23, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 406 - Amending The Municipal Code With Respect To Fees For Evening And Weekend Parking At Parking Garages

Int. No. 407 - Establishing Maximum Compensation For an Amendatory Professional Services Agreement For The Elmwood Avenue Bridge Rehabilitation Project, Appropriating Funds And Amending The 2004-05 Budget

Int. No. 410 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$70,000 Bonds Of Said City To Finance The Cost Of Acquisition Of Land And Easements For Construction Of A Portion Of The Genesee Riverway Trail From Turning Point Park To Petten Street

The Parks, Public Works & the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 408 - Approving A Decrease In The Pavement Width Of Lake Avenue North Of Donald Street

Int. No. 409 - Authorizing The Acquisition By Negotiation Or Condemnation Of Fee And Easements At 50 Hughes Place (A.K.A. 0 Petten Street) For The Genesee Riverway Trail

Respectfully submitted,
Lois J. Giess
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-373
Re: Municipal Code Amendment

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation amending the Municipal Code, Fees for Parking Garages, to include the following changes:

1. Weekday evening rate for the following garages:

Court Street	Sister Cities
Genesee Crossroads	South Avenue
High Falls	Washington Square

The current weekday evening rate at most of these garages, in effect after 5:30 p.m. Monday through Friday, is a flat rate of \$4.00. Under this legislation, the weekday evening rate would be changed to \$.45 for each half hour or any part thereof up to a maximum of \$4.00. The exception would be High Falls, which would charge

\$.40 per half hour or any part thereof up to a maximum of \$4.00.

2. Weekend rate for the following garages:

- Court Street
- High Falls
- South Avenue

Currently, a flat rate of \$4.00 is charged on weekends (all day Saturday and Sunday). Under the proposed legislation, the weekend rate would be changed to their current short-term rates up to a maximum of \$4.00.

3. Special events parking will be a flat \$4.00. Parking for other purposes during special events shall be at the regular rates.

These changes are proposed in response to concerns that have been raised by garage patrons seeking to utilize a garage for a short-term activity on an evening when the special event rate is in effect. The proposed rate structure will provide greater flexibility for such users.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-373
(Int. No. 406)

Amending The Municipal Code With Respect To Fees For Evening And Weekend Parking At Parking Garages

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 111-119 of the Municipal Code, relating to fees and hours of operation of parking garages, as amended, is hereby further amended by deleting subsection A(2)(d), as added by Ordinance No. 2004-328, and by amending subsections A(2)(b) and (c) thereof to read in their entirety as follows:

- (b) High Falls Garage, from 5:30 p.m. to closing: \$0.40 for each half hour or any part thereof, with a maximum of \$4.
- (c) Court Street Garage, Genesee Crossroads Garage, Sister Cities Garage, South Avenue Garage and Washington Square Garage, from 5:30 p.m. to closing: \$0.45 for each half hour or any part thereof, with a maximum of \$4.

Section 2. Section 111-119 of the Municipal Code, as amended, is hereby further amended by amending subsection A(5) thereof to read in its entirety as follows:

- (5) Weekend rates.
 - (a) High Falls Garage: \$0.40 for each half hour or any part thereof, with a maximum of \$4.
 - (b) Court Street Garage and South Avenue Garage: \$0.45 for each half hour or any part thereof, with a maximum of \$4.

Section 3. Section 111-119 of the Municipal Code, as amended, is hereby further amended by amending the second sentence of subsection A(7) thereof to read in its entirety as follows:

On such occasions, a special events rate of \$4 shall apply for parking for the special events, and the regular rates shall apply for parking for other purposes.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-374
Re: Elmwood Avenue Bridge Rehabilitation Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the Elmwood Avenue Bridge Rehabilitation Project. The legislation will:

1. Authorize an amendatory professional services agreement with Dewberry, Inc., 700 Alliance Building, 183 East Main Street, Rochester, NY, for additional resident project representation services during construction of the project. The amount of the amendatory agreement is \$92,000 bringing the total cost of the agreement to a maximum of \$267,000;
2. Amend the 2004-05 Budget to increase Cash Capital by \$101,000 to reflect payment from Dewberry, Inc. and appropriate that amount to finance a portion of the construction of the project;
3. Appropriate \$326,600 in anticipated federal reimbursements to finance a portion of the design and construction costs of the project; and
4. Appropriate \$178,700 in anticipated state reimbursements to finance a portion of the design and construction costs of the project.

On January 18, 2000, Council authorized an agreement with New York State Department of Transportation (NYSDOT) for City participation and administration of the project. The project involves rehabilitation of the bridge and includes: replacement of the structural joint systems, curb repairs, installation of pedestrian lighting fixtures, sidewalk restoration, drainage modifications, painting of the structural steel elements, and seismic retrofit of the bearings. The project also includes landscape plantings and improvements to the Genesee Riverway Trail on the east bank of the river.

The original construction cost of the project was \$1,946,942. However, due to changed conditions related to the structural lifting loads, the complexities associated with the structure lifting operations and additional welding and painting of structural steel, the construction costs have increased. Additionally, the project incurred additional costs due to an error in the original design and detailing of the structural bearing components of the project. The current cost of construction is \$2,369,341.

This legislation appropriates \$178,700 from the state of New York Marcheselli Aid Program to finance a portion of the State's share of the project. The City is eligible to receive up to \$76,000 in additional state Marcheselli Aid Program reimbursements pending

state approval. Requests for the additional aid will be made during the New York State 2005-06 budget cycle. This legislation appropriates an additional \$326,600 from the Federal Highway Administration (FHWA) to finance the remaining federal share of the project. The payment by Dewberry, Inc. (\$101,000) is for the settlement of the design error claims on the project.

The proposed amendatory agreement with Dewberry, Inc. provides for the additional engineering services related to structural analysis and evaluation of the structure lifting operations and additional construction inspection of the project. The federal share of the amendatory design agreement will be financed from the above appropriations (\$73,600). The local share (\$18,400) will be financed from 2001-02 Cash Capital.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-374
(Int. No. 407)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Elmwood Avenue Bridge Rehabilitation Project, Appropriating Funds And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$92,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Dewberry, Inc. for additional resident project representation services for the Elmwood Avenue Bridge Rehabilitation Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$73,600 shall be funded from the appropriation made in Section 2 and \$18,400 shall be funded from the 2001-02 Cash Capital Allocation.

Section 2. The sum of \$326,600, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Elmwood Avenue Bridge Rehabilitation Project.

Section 3. The sum of \$178,700, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the State of New York to fund the Elmwood Avenue Bridge Rehabilitation Project.

Section 4. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$101,000, which amount is hereby appropriated from funds to be received from Dewberry, Inc. through the settlement of a claim to fund the Elmwood Avenue Bridge Rehabilitation Project.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-375 And
Introductory No. 409
Re: Genesee Riverway Trail (Turning
Point Park to Petten Street)

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation related to construction of a portion of the Genesee Riverway Trail, from Turning Point Park to Petten Street. This legislation will:

1. Authorize the acquisition, by negotiation or condemnation, of one parcel and two easements at 50 Hughes Place (a.k.a. 0 Petten Street) in an amount not to exceed \$400,000.
2. Authorize appropriation of \$344,000 in anticipated reimbursements from the Federal Highway Administration to finance a portion of the acquisition costs; and
3. Authorize issuance of bonds totaling \$70,000 and appropriation of the proceeds thereof to finance a portion of the local share of the acquisition costs.

This project consists of the construction of a multi-use off-road trail facility to complete a major portion of the Genesee Riverway Trail on the west bank beginning just south of Turning Point Park and extending to Petten Street (to Lake Avenue), a distance of 1.6 miles. A portion of the trail will proceed north on a pile supported structure through the Turning Basin and traverse the steep northern bank (with a structure) to the area known as Turning Point Park North. The construction will include improvements to an existing at grade railroad crossing.

The estimated total cost for construction of the project is \$4.47 million dollars, of which the city is eligible to receive \$3,560,000 in federal transportation funds. The local share will be financed from the 2003-04 Capital Improvement Programs.

Preliminary design of the project was presented at a public informational meeting on September 25, 2003, and final design by Stantec Corporation was authorized by Council on November 18, 2003.

It is proposed that the City acquire rights for three parcels located at 50 Hughes Place, which is currently owned by Don Suhr, 18 Petten Street, and is known as the Genesee Marina, Inc. The first parcel, to be purchased outright, is 4.267 acres and is vacant except for two derelict structures which will be demolished to provide for construction of trail improvements as part of the project.

The second and third parcels will be acquired by easement. The easements will provide for construction and maintenance of drainage improvements being installed as part of the project. The value of the parcels was established by an independent appraisal from Robert G. Pogel.

The total cost of the acquisitions, including a contingency for closing costs and other associated legal fees, is \$430,000. The cost will be financed from the \$344,000 and \$70,000 appropriations requested herein; the remaining \$16,000 will be financed by Bond Ordinance No. 2001-233.

Consideration by the City Council of the proposed

acquisitions will be deferred pending the completion of determinations and findings. Both federal and state required environmental reviews were completed by the city for the project prior to final design of the project. Environmental review included the proposed acquisition of property.

It is anticipated that the construction of the project will begin in Spring 2005 and be completed in 2006.

A public hearing on the acquisition is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-139

Ordinance No. 2004-375
(Int. No. 410)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$70,000 Bonds Of Said City To Finance The Cost Of Acquisition Of Land And Easements For Construction Of A Portion Of The Genesee Riverway Trail From Turning Point Park To Petten Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the acquisition of land and easements for construction of a portion of the Genesee Riverway Trail from Turning Point Park to Petten Street, including but not limited to acquisition of approximately 4.267 acres of land at 50 Hughes Place (a.k.a. 0 Petten Street), reputedly owned by Genesee Marina, Inc. (Principal: Donald Suhr), for construction of a portion of the Genesee Riverway Trail, and easements over two additional parcels at said address for the construction and maintenance of drainage improvements as a part of said Genesee Riverway Trail Project within the City ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$430,000. The plan of financing includes the issuance of \$70,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$16,000 bonds previously appropriated in Ordinance No. 2001-233 and \$344,000 appropriated at this meeting from anticipated reimbursements from the Federal Highway Administration, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$70,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$70,000. This Ordinance is a declaration of official intent

adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.21(a) of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran,

Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Councilmember Stevenson moved to have Introductory No. 409 returned to committee.

The motion was seconded by Councilmember Pritchard.

The motion was adopted unanimously.

Introductory No. 409

AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF FEE AND EASEMENTS AT 50 HUGHES PLACE (A.K.A. 0 PETTEN STREET) FOR THE GENESSEE RIVERWAY TRAIL

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of approximately 4.267 acres of land at 50 Hughes Place (a.k.a. 0 Petten Street), reputedly owned by Genesee Marina, Inc. (Principal: Donald Suhr), for construction of a portion of the Genesee Riverway Trail, and easements over two additional parcels at said address for the construction and maintenance of drainage improvements as a part of said Genesee Riverway Trail Project.

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$400,000, and of said amount, or so much thereof as may be necessary, and necessary closing costs, \$344,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration, \$70,000 shall be funded from a bond adopted for this purpose and \$16,000 shall be funded from Bond Ordinance No. 2001-233.

Section 3. In the event that said fee or easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said fee and easements.

Section 4. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-376
Re: Lake Avenue - Pavement Width Change

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a pavement width change related to redevelopment of the property located at 3226 Lake Avenue. The legislation will authorize a decrease in the width of Lake Avenue (from 50 to 41 feet), for a distance of 32 feet, from a point 71 feet north of Donald Street to a point 103 feet north of Donald Street.

The change was requested by Peter & James Hantes to accommodate vehicular access from the right-of-way into a vacant lot at 3226 Lake Avenue which is being redeveloped as a parking lot in connection with development of a restaurant at the adjacent property at 3212-3220 Lake Avenue.

The proposed change provides for modification of a recessed parking area which was installed as part of the Lake Avenue Project, authorized by Council on July 13, 1999, Ordinance No. 99-273. The developer has applied for a permit to install the curb cut and has agreed to perform all work necessary as part of the private redevelopment to accommodate the change requested herein.

A public hearing on the change is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-140

Ordinance No. 2004-376
(Int. No. 408)

Approving A Decrease In The Pavement Width Of Lake Avenue North Of Donald Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a decrease in the pavement width of Lake Avenue of nine feet, from 50 feet to 41 feet, beginning at a point 71 feet north of Donald Street and extending to a point 103 feet north of Donald Street, to remove a recessed parking area and provide access to a new off-street parking lot.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
November 23, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 402 - Amending The 2004-05 Budget Of The Rochester Fire Department

Int. No. 403 - Authorizing Collections Agreements For The Parking Violations Bureau And Municipal Code Violations Bureau

Int. No. 404 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Veterinary Services

Int. No. 405 - Establishing Maximum Compensation For A Professional Services Agreement For A Health Insurance Review

Int. No. 412 - Authorizing Agreements For A Drug Enforcement Demonstration Program And Amending The 2004-05 Budget Of The Rochester Police Department

Respectfully submitted,
Benjamin L. Douglas
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2004-377
Re: Grant from the Department of
Homeland Security

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation amending the 2004-05 budget to reflect the receipt of a grant from the Department of Homeland Security, Federal Emergency Management Agency. This grant (\$921,480 for 2004-05; \$120,000 for 2005-06) covers an 18 month period beginning October 1, 2004 and will continue the efforts begun in 2000 that were funded by the Metropolitan Medical Response System (MMRS) grant.

\$400,000 of the grant will be used by the Fire Department to continue developing and operating comprehensive collaborative efforts with the Monroe County Health Department, area fire departments, police agencies, EMS providers and hospitals. The goal is to provide the best possible response to any large-scale incident that generates large numbers of casualties and thereby stresses Rochester's emergency management system. Efforts will focus on enhancing the hospital, health care system and EMS response component of emergency preparedness.

The remaining \$641,480 will be used to develop and implement an emergency training/information network. The network will provide secure, timely and continuous training and information to over 75 emergency responder agencies and hospitals with the potential to link jurisdictions nationwide to a single point of distribution for MMRS training and information. Users will have access to a library containing multi-disciplinary and agency specific training tools and information.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-377
(Int. No. 402)

Amending The 2004-05 Budget Of The Rochester Fire Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Fire Department by the sum of \$921,500, which amount is hereby appropriated from funds to be received under the Metropolitan Medical Response System Grant from the Department of Homeland Security.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-378
Re: Agreements - Parking Violations
Summonses Collection

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing agreements with the Credit Bureau of Rochester (CBR), 19 Prince Street, and Mercantile Adjustment Bureau, L.L.C. (MAB), 40 West Avenue, for collection of unpaid parking violation summonses. The cost of these services will be financed from the collection revenues.

All parking violation summonses that remain unpaid 90 days after issuance become, by default, civil judgments. Since 1979, the collection of these judgements has been assigned to private companies. The current agreements, authorized by Council in October 2001, expire on December 31, 2004. Eight proposals for a new contract were received from collection services in response to a solicitation in September.

CBR and MAB are recommended because of their experience, collection performance, credit reporting procedures, and having offices within the City of Rochester. CBR has provided collection services for the City for 25 years. MAB has provided collection services for the City for 15 years.

The fees to these companies will continue to be based on a percentage of collections. The performance-based commission rate will be adjusted semi-annually to correspond to collection production, and will vary from 16% to 30%.

The collection accounts will be assigned to the agencies equally for the first six months of year one. After that, the assignment of cases will be determined by collection performance in the previous twelve month period (starting July 1, 2004), and will vary thereafter semi-annually from 40% to 60%.

A summary of the performance of the present collection companies from January 1, 2002 through July 1, 2004 is attached. The total amount collected during this time was \$4,216,087, a net of \$3,143,279 after commissions paid to CAR and MAB of \$475,379 and \$597,429, respectively.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-141

Ordinance No. 2004-378
(Int. No. 403)

Authorizing Collections Agreements For The Parking Violations Bureau And Municipal Code Violations Bureau

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the Credit Bureau of Rochester and Mercantile Adjustment Bureau for the collection of unpaid parking and Municipal Code violations judgments for a term of three years.

Section 2. The agreements shall authorize the collection agencies to retain not to exceed thirty percent (30%) of the amount collected as commission.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-379
Re: Agreement - Aimee Willoughby, LVT,
Veterinary Services for the Animal
Services Unit

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted for your approval is legislation authorizing an amendatory agreement with Aimee Willoughby, Licensed Veterinary Technician, 110 Arch Street, Rochester, NY, to provide services for animals in custody at the City's Animal Shelter on Verona Street. Routine veterinary services, including spay/neuter surgeries, are provided on-site. Veterinary technicians are needed to assist with surgical, pre- and post-op care.

The current agreement with Ms. Willoughby, for \$7,500, expires on December 31, 2004. Authorization is requested to extend the term to June 30, 2005, and increase the contract amount by \$9,500 for a total maximum of \$17,000.

Funding is included in the 2004-05 Budget of the Police Department.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-379
(Int. No. 404)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Veterinary Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$9,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Aimee Willoughby, LVT, for the provision of veterinary services for the City's Animal Shelter. Said amount shall be funded from the 2004-05 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-380
Re: Health Insurance Funding and
Design Study

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Hilb Rogal & Hobbs, (HRH) of Boston, MA, to conduct a comprehensive analysis of group health insurance provided to City

of Rochester employees and retirees. This agreement shall not exceed \$35,200 and will be funded from the 2004-05 Undistributed Expenses Budget.

The City presently participates in the Rochester area's health care community rating system, wherein a group of employers jointly buy health insurance for their employees. The alternative to community rating is experience rating, a system wherein the collective medical / health care history of a specific employer's employees dictate the premiums charged. An increasing number of employers (both public and private) have been withdrawing from the group that participates in the community rating system and opting for experience rating health care insurance. When individual employers have claims costs that are lower than that of the community, their health insurance rates can decrease proportionately. The experience rating system can also provide claims data that can be targeted for cost control strategies, such as wellness programs, disease management programs and health consumer education.

Health care premiums for the City have risen 146% since 1995. This averages to over 14% per year. At this rate, the premiums will double in five years. This is, and has been the general trend for the community rates with no relief in sight.

As the community pool of employers continues to shrink and health care costs continue to grow, the City needs to reassess the value of its participation in the community pool, the efficiency of the current and alternate funding arrangements, and the effectiveness of the plans for its employees and retirees. HRH will gather the necessary data, conduct a comprehensive study and provide experienced guidance to the City in these areas. They will also provide a plan for implementation and communication of the study results.

The Administration issued a request for proposals and received six responses. Four responding firms were interviewed; the review committee agreed unanimously that HRH would provide the best service.

Mayor William A. Johnson, Jr. is a member of the Board of Directors of the Excellus Corporation, the parent of Excellus Blue Cross and Blue Shield, Rochester Region, one of the City's health care insurers. As such, he has recused himself from all discussions and/or decisions related to this legislation and has vested Deputy Mayor Jeffrey Carlson with the decision-making authority for the Administration with respect to this legislation and any related matters.

Respectfully submitted,
Richard W. Hannon
Acting Mayor

Ordinance No. 2004-380
(Int. No. 405)

Establishing Maximum Compensation For A Professional Services Agreement For A Health Insurance Review

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$35,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Hilb Rogal & Hobbs for a comprehensive analysis of group health insurance provided to City employees and retirees. Said amount shall be funded from the 2004-05 Budget for Undistributed

Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentleman:

Ordinance No. 2004-381
Re: Police Demonstration Program

R2010: Campaign 3 - Health, Safety & Responsibility

Transmitted herewith for your approval is legislation amending the 2004-05 Budget of the Police Department by transferring \$110,000 from Contingency to fund a new tactical demonstration program to address street-level drug sales and associated neighborhood public safety concerns. The proposed program, an outgrowth of the Police Department's work with Professor David Kennedy, seeks to bring to bear the resources of the RPD, along with Probation and Parole staff, to combat this persistent problem.

As you are aware, there have been numerous calls for additional legislative solutions to the problems of loitering for illicit purposes in City neighborhoods. Councilmember McFadden has discussed the possibility of trying to develop anti-loitering legislation modeled on that which exists in Washington, D.C. After reviewing the proposal with the Law and Police Departments, we believe that additional legislation is neither necessary nor prudent. The Federal and State courts have consistently ruled that loitering is not illegal per se. Enacting legislation that would certainly be challenged, and almost certainly struck down, would not address the problem and would further expose the City to substantial legal fees awarded by the courts to the opposing attorneys.

Rather than a legislative approach, we have worked closely with Chief Duffy to develop this short-term tactical approach along with a longer-term strategic approach. For the near term, the tactical plan will involve a three-month pilot effort in which two sets of RPD officers (one East and one West) would pair in a patrol car with a Probation and a Parole staff member. These units would work for a total of forty hours each week, using four-hour blocks of time across the evening and night shifts as needed to attack the problem. After three months, the results would be evaluated to determine whether the program was effective and what options there may be to continue. The review will also examine alternative funding sources, including Weed and Seed and/or additional Federal grants.

The costs of the program will allow reimbursement of the Parole and Probation staff costs as follows:

Probation	\$35,568
Parole	48,058
Subtotal	<u>83,626</u>
RPD costs	<u>26,374</u>
Total	\$110,000

The legislation also authorizes all necessary agreements with the County to allow the reimbursement of the Parole and Probation staff costs.

The longer-term strategic approach involves the appointment of an advisory committee by the Mayor consisting of neighborhood leaders from the Sectors and the PCICs to develop a sustainable strategy that

will avoid the constitutional problems associated with loitering legislation. It is anticipated that the recommendations of the advisory committee could be developed in time to be included in the 2005-06 budget process.

Respectfully submitted,
William A. Johnson, Jr. Lois J. Giess
Mayor President

Benjamin L. Douglas, Chair
Finance & Public Safety
Committee

Ordinance No. 2004-381
(Int. No. 412)

Authorizing Agreements For A Drug Enforcement Demonstration Program And Amending The 2004-05 Budget Of The Rochester Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$110,000 from the Contingency Account to the Rochester Police Department to fund a tactical demonstration program to address street-level drug sales and associated neighborhood public safety concerns.

Section 2. The Mayor is hereby authorized to enter into agreements with the County of Monroe and State of New York for participation by parole and probation officers in this demonstration program. The agreements shall obligate the City to reimburse the County for costs not to exceed \$35,568 and the State for costs not to exceed \$48,058, which amounts shall be funded from the 2004-05 Budget of the Rochester Police Department.

Section 3. The agreements shall contain such additional terms and conditions as the mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-382
Re: Agreements - Litigation Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement or agreements for legal services concerning maritime law and other specialized issues relating to the Fast Ferry. The Law Department will require assistance in areas in which it does not have expertise in dealing with the many issues that may arise with respect to the fast Ferry. The maximum cost of the agreements will be \$50,000, which will be financed from the 2004-05 Budget of the Law Department.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Norwood moved to remove Introduc-

tory No. 413 from table.

The motion was seconded by Councilmember Stevenson.

The motion was adopted unanimously.

Councilmember Norwood moved to amend Introductory No. 413.

The motion was seconded by Councilmember Pritchard.

The motion was adopted unanimously.

Ordinance No. 2004-382
(Int. No. 413, As Amended)

Establishing Maximum Compensation For Professional Services Agreements For Legal Services Relating To The Fast Ferry

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the total compensation to be paid for professional services agreements for legal services concerning maritime law and other specialized issues relating to the Fast Ferry as required by the Law Department. Said amount shall be funded from the 2004-05 Budget of the Law department.

Section 2. The agreement shall contain such additional terms and conditions as approved by the Mayor and President of City Council.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

The meeting was adjourned at 9:06 P.M.

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
DECEMBER 21, 2004

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - none - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

COM

*Sharon Orienter

DES

*Matthew Coley

RFD

*Carl S. Cottorone

*Not attending meeting.

APPROVAL OF THE MINUTES

By Councilmember Douglas

RESOLVED, that the minutes of the Regular Meeting of November 23, 2004, be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3789-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

By President Giess - Signatures from residents of the City of Rochester opposing the Vending Legislation to stop food vendors from selling food between the hours of Midnight and 5:00 a.m. daily. Petition

No. 1607

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

Pursuant to law public hearing will now be had on the following matter:

Amending The 2004-05 Community Development Program By Transferring Funds And Authorizing An Agreement For The Huther-Doyle Drug Prevention Program Int. No. 418 No speakers.

Changing The Zoning Classification Of 772-816 University Avenue And 158 & 160 Merriman Street From R-2 Medium Density Residential With O-O Overlay Office, And 721-785 University Avenue, 31 & 32 Portsmouth Terrace, 127 Merriman Street, 1 Oxford Street And 36 Rundel Park From R-2 Medium Density Residential, To R-2 Medium Density Residential With O-B Overlay Boutique Int. No. 420 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

Councilmember Douglas moved to suspend the Rule of Council by removing Introductory No. 446 and Introductory No. 443 from their original order of committee and act on them first.

The motion was seconded by Councilmember Pritchard.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-383
Re: Fast Ferry

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation to establish public ownership and operation of the Fast Ferry service between Rochester and Toronto. The legislation will:

1. Authorize creation of a not-for-profit corporation the ("Corporation") as the instrument to purchase and operate the Fast Ferry. The Corporation will have the following powers and duties:
 - Operating a ferry service between Rochester and Toronto or other Canadian ports; this would include the purchase or lease of all necessary equipment, including a ferry or ferries, to carry out the business plan;
 - Incurring necessary debts and hiring appropriate staff to operate this business;
 - Leasing or purchasing real estate to operate the business;
 - Establishing and collecting fares, negotiating contracts with Canadian and US authorities and individual or corporate entities to operate the business.

The corporation will have an eleven-member Board of Directors to be appointed by the

Mayor and confirmed by City Council. Eighty percent (80%) of the Board of Directors (nine of the eleven) will be elected or appointed City officials in order to meet the guidelines set forth in IRS Revenue Ruling 63-20. The remaining two members will be citizens chosen for their expertise.

2. Provide a guarantee by the City of the debts of the Corporation to enable it to borrow the necessary capital to purchase the Fast Ferry and operate the business.
3. Authorize additional agreements as necessary in the interim to prepare for the initiation of the service prior to completion of the creation of the Corporation.

In June, Canadian American Transportation Systems (CATS) closed on the purchase of the Fast Ferry from Austal Ships. Funding for the purchase was provided through a series of loans and grants from both public and private sources. Outstanding debt owed to the various lenders is as follows:

Export Finance Insurance Company,	
Australia (EFIC)	\$22,500,000
ABN AMBRO Bank, Australia	4,200,000
MTU, Germany	6,300,000
New York State	6,600,000
City of Rochester	1,300,000
Total	\$40,900,000

As you are aware, the current owners of the Fast Ferry, Canadian American Transportation Systems (CATS), ceased operation on September 7, citing mounting debts and inadequate cash flow. On September 28th, US District Court ordered the vessel arrested as a result of a maritime lien filed for outstanding fuel bills. Subsequently, throughout September and October, numerous attempts were made by the lenders to work with CATS to develop a plan to recapitalize the company and restructure the debt. Those efforts were not successful, and, on October 21, the lenders rejected a final proposal by CATS.

In the absence of a viable private-sector proposal, and to avoid the loss of this substantial community asset, the City Administration began to examine the option of public ownership and operation of the Fast Ferry. In mid-November, Councilmembers were briefed on the outlines of a proposal for the public option.

On November 17, a Plan of Business was released to the public and posted on the City's web site for public review and discussion. Included in that plan was the creation of a Public Authority by New York State as the vehicle to operate the Fast Ferry business. The Authority was to issue \$40 million in bonds to purchase the vessel from CATS, satisfy the known maritime liens, and provide some working capital. The Authority also would have assumed the debt obligations of NY State and the City as part of the plan.

On November 24, the senior lenders (EFIC and ABN AMBRO), began foreclosure proceedings to satisfy the outstanding liens. It became clear that a very short time frame was available if the loss of the vessel was to be prevented. Discussions with members of the NY State Legislature regarding the proposal for a Public Authority led to the consensus that an Authority could not be created within the time frame required to avoid the loss of the vessel. In addition, discussions with CATS under the direction of US District Court were unsuccessful in reaching an acceptable agreement for the purchase of the Fast Ferry.

As a result, the original proposal was revised in several ways:

the not-for-profit Corporation is proposed to accomplish what the Public Authority was originally envisioned to undertake;

the Fast Ferry will be purchased at auction at the foreclosure sale rather than from CATS; and

rather than using bonds, the Corporation will receive a \$40 million line of credit from EFIC.

The current proposal contains several items that constitute improvements on the original plan from the City's perspective. Purchase of the Fast Ferry at the foreclosure auction rather than directly from CATS will ensure that clear title to the vessel is achieved. Maritime liens of which the City was unaware could become encumbrances after a direct purchase; the foreclosure process will require the identification and satisfaction of those liens as part of the process. In addition, the foreclosure process will extinguish the \$6.6 million NY State lien as well as the City's \$1.3 million lien. The net result will be a lower debt structure for the project.

Also, the original financing planned City-backed bonds issued by the Public Authority, with an assumed interest rate of 5% for 15 years. Instead, the City has applied to and received initial approval from EFIC for a \$40 million line of credit for the project; those funds will actually be advanced to Corporation once the legal requirements for the creation of that entity have been completed. The terms of the loan are the LIBOR rate (an international borrowing index) plus 1% for 15 years with interest payments only (no principal) required for the first two years. As of December 1, the LIBOR rate was 2.65%, which would make the borrowing rate 3.65%. The net savings over 15 years, assuming a stable LIBOR rate, would be \$2,095,000. In addition, having private capital in the project allows the City to retain its bonding capacity for other critical public works projects. While the City will be required to guarantee the debt of the Corporation, the risk is lower than in the original proposal because of the lower interest rate, the presence of the private capital, and the elimination of the NY State debt.

EFIC has set December 22 as the latest date for a commitment from the City to pursue this plan. In the absence of such a commitment, they will actively seek other buyers for the vessel to bid at the foreclosure sale to secure their interest in the vessel.

City Council has retained the services of TranSystems Corporation to review the original business plan that this Administration proposed. The results of their review are expected by December 20, prior to the City Council meeting of December 21.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

TO THE COUNCIL
Ladies and Gentleman:

Ordinance No. 2004-383
(Int. No. 446-A)
Re: Fast Ferry Amendments
R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval are a series of amendments to Int. 446, the legislation that ap-

proves the creation of a Fast Ferry Corporation. The amendments will:

- Clarify that the guarantee of the debts of the Corporation is limited to \$40,000,000 that is planned for the initial capitalization.
- Specify the appointing authority and membership criteria for the eleven members of the not-for-profit corporation (Corporation).
- Indicate that the contractual relationship between the City and the Corporation shall include regular reporting requirements to the Council and shall require adherence to the business practices that are a routine part of City government.
- Require that, for the life of the City's guarantee of the Corporation's debt, the contract creates a structure to permit appropriate reimbursement to the City both for its initial investment and for the value of the guarantee.

The proposed amendments will ensure that the operation of the Fast Ferry by the Corporation will be done in a manner that is commensurate with the high standards for openness, transparency, and fiscal responsibility that have been the hallmarks of City government for the past thirty years. Similarly, the proposal for the Corporation to enter into a contractual agreement to provide reimbursement to the City for the value of the initial investment and the guarantee is modeled on a similar provision that is applied to the Water Fund.

Respectfully submitted,
Wade S. Norwood, Chair
Housing & Economic Development Committee

Ordinance No. 2004-383
(Int. No. 446, As Amended)

Approving The Creation Of A Fast Ferry Corporation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the creation of a not-for-profit corporation to purchase and operate the fast ferry between Rochester and Toronto. The corporation shall have the following powers and duties:

- a) Operating a ferry service between Rochester and Toronto or other Canadian ports; including the purchase or lease of a ferry or ferries and all necessary equipment to carry out the business plan;
- b) Incurring necessary debts to operate the ferry business;
- c) Hiring appropriate staff to operate the ferry business;
- d) Establishing and collecting fares and fees for the ferry business;
- e) Negotiating and entering into necessary agreements with United States and Canadian authorities, as well as private individuals and entities in order to operate the ferry business;
- f) Lease or purchase of real estate as necessary to

operate the ferry business; and

- g) Any other powers and duties allowed under the New York State Not-For-Profit Corporation Law.

Section 2. The corporation shall have a Board of Directors of eleven (11) members [to be appointed by the Mayor and confirmed by City Council]. Eighty percent (80%) of the Board of Directors shall be elected or appointed City officials in order to meet the guidelines set forth in IRS Revenue Ruling 63-20. The public members shall provide business, planning, engineering or other skills appropriate for oversight of the ferry business. The Mayor and City Council President shall be members ex officio. Of the remaining nine (9) members, the Mayor shall appoint five (5), of which four (4) shall be elected or appointed City officials, and the City Council President shall appoint four (4), of which three (3) shall be elected or appointed City officials. All appointments shall be subject to confirmation by City Council. There shall be at least one resident of each City Council District on the Board at all times. The members shall serve staggered three-year terms. In the case of a vacancy, the original appointing authority shall nominate a replacement to the City Council for confirmation.

Section 3. The City hereby agrees to guarantee the debts up to \$40,000,000 of the not-for-profit corporation in order to enable it to borrow the necessary capital to purchase a fast ferry or ferries and operate the ferry business. The City shall enter into an agreement with the not-for-profit corporation, subject to City Council approval, for the life of said guarantee that will include requirements for regular reporting to the City Council, public reporting requirements that are consonant with the Freedom of Information Act, for business practices that are consonant with those of the City government, and for a structure that will permit appropriate financial reimbursements to the City in recognition of the initial investment the City has made in creating and guaranteeing the debts of said corporation.

Section 4. Should the Board of Directors of the not-for-profit corporation at any date decide to cease the intended function of the corporation and sell the business, any reserves not required to meet the obligations of said corporation shall be returned to the City to the maximum amount allowed by law.

Section [4] 5. The Mayor is hereby authorized to enter into such agreements as may be necessary in the interim to prepare for the initiation of the ferry service prior to the creation of the not-for-profit corporation.

Section [5] 6. The agreements shall contain such additional terms and conditions as the Mayor and City Council President deem[s] to be appropriate.

Section [6] 7. This ordinance shall take effect immediately.

Underlined language added; bracketed language deleted.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-384
Re: Intermunicipal Agreement with Monroe County for the Use of the Monroe County Jail

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with Monroe County to secure the confinement in the Monroe County Jail of individuals detained by the Rochester Police Department who have not been arraigned. This agreement will obligate the City to pay the County the sum of \$1,000,000 per year for services to be provided from January 1 to December 31 of each year. Services for which this compensation will be provided will commence on January 1, 2005 and extend for the five year period ending on December 31, 2009. The source of funds for Year One of this agreement is the 2004-05 Budget (Police Department appropriation). Subsequent year funding shall be from the future City operating budget appropriations.

In early 2003, Monroe County officials notified the City that the long-standing practice at the County Jail of confining persons detained by law enforcement personnel prior to court arraignments was not allowed under New York State Law. The County was willing to continue the practice provided State Corrections Law could be changed to make the practice permissible, and if those jurisdictions that presented unarraigned prisoners provided compensation to the County. In the absence of a change in the law and compensation, the County indicated that it would discontinue acceptance of unarraigned persons. It was also determined that virtually all unarraigned prisoners presented to the County Jail were Rochester Police Department detainees. Other jurisdictions within the County generally arraign all persons prior to presenting them to the Jail. The City-generated service demand is approximately 17,000 detainee-days per year.

The Administration evaluated the following alternatives:

1. Agree to the County's request.
2. Ensure the arraignment of all persons prior to their presentation to the Jail (necessitating a significant modification of City Court practices).
3. Construct/obtain and operate a pre-arraignment holding facility.

The first alternative was determined to be optimal. The City supported the County's successful effort to change the New York State Law to allow holding individuals who have not been arraigned. The City and the County negotiated the specifics for term and fees as specified above.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-384
(Int. No. 443, As Amended)

Authorizing [An] Agreements With The County Of Monroe With Respect To Unarraigned Prison-

ers And Forensic Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with the County of Monroe for the detention of unarraigned prisoners in the Monroe County Jail. The agreement shall extend for a term of five years, commencing January 1, [2005] 2004.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$1,000,000 annually, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 Budget of the Rochester Police Department and subsequent budgets, contingent upon approval of subsequent budgets.

Section 3. The Mayor is hereby further authorized to enter into an agreement with the County of Monroe whereby the County shall provide forensic laboratory services for the City at its Regional Crime Laboratory, for the sum of \$1.00 annually. The agreement shall extend for a term of five years, commencing January 1, 2004.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section [4] 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Council Meeting was returned to its original order.

By Councilmember Norwood
December 21, 2004

To the Council:

The Housing & Economic Development Committee recommends for adoption the following entitled legislation:

Int. No. 414 - Authorizing The Sale Of Real Estate

Int. No. 415 - Amending The Asset Control Area Business Plan And Authorizing Agreements

Int. No. 416 - Appropriating Funds, Authorizing Agreements And Amending The 2004-05 Budget For Lead-Based Paint Hazard Control Programs, As Amended

Int. No. 417 - Amending The Municipal Code With Respect To Fees For Elevator Certifications

Int. No. 419 - Approving A Property Tax Exemption And In-Lieu-Of-Tax Agreement For Parkview Apartments

Int. No. 435 - Establishing Maximum Compensation For A Professional Services Agreement With TranSystems Corporation For A Review Of The Proposed Business Plan For The Fast Ferry Project - \$30,000

Int. No. 446 - Approving The Creation Of A Fast Ferry Corporation, As Amended

The Housing & Economic Development Committee recommends for consideration the following entitled legislation:

Int. No. 418 - Amending The 2004-05 Community Development Program By Transferring Funds And Authorizing An Agreement For The Huther-Doyle Drug Prevention Program

Int. No. 420 - Changing The Zoning Classification Of 772-816 University Avenue And 158 & 160 Merriman Street From R-2 Medium Density Residential With O-O Overlay Office, And 721-785 University Avenue, 31 & 32 Portsmouth Terrace, 127 Merriman Street, 1 Oxford Street And 36 Rundel Park From R-2 Medium Density Residential, To R-2 Medium Density Residential With O-B Overlay Boutique

Respectfully submitted,
Wade S. Norwood
William F. Pritchard
Adam C. McFadden (Did not vote on Int. No. 415)
Lois J. Giess (Did not vote on Int. No. 414)
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-385
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of ten properties and amending a prior ordinance relating to the sale of property. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales

The first property is a vacant lot that was sold at public auction. The purchaser will fence and landscape the parcel and construct loading docks for his adjoining building at 33 Hudson Avenue. The parcels will be combined upon completion of the project.

The next property is a fire-damaged structure that was sold at a Request for Proposal sale for its appraised value. The purchaser will demolish the structure and construct a parking lot to be used in conjunction with his adjoining property.

The next seven properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

The last property is a structure that was sold at public auction. The purchaser will be required to rehabilitate the structure within nine months of closing.

Amendment

The Division of Real Estate is requesting that Ordinance 2004-310, approved in September 2004, which authorized the sale of 935 Avenue D to Ricardo Martinez be amended to authorize its sale to include Carmen Martinez who was inadvertently omitted in the original ordinance.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of this ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-142.

Ordinance No. 2004-385
(Int. No. 414)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of vacant land with proposal by regular auction:

Address: 14 Oregon St
S.B.L.#: 106.64-2-27.1
Price: \$50
Purchaser: John W. Kiernan

Section 2. The Council hereby further approves the sale of the following parcel of improved property by request for proposal sale:

Address: 14 Woodlawn St
S.B.L.#: 121.58-3-65
Price: \$9,500
Purchaser: Markos Strombolas

Section 3. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address Purchaser	S.B.L.#	Sq. Ft.
191 Cady St Karena Lampley	120.59-2-5	5214
22 Epworth St Lashy Johnson	20.51-3-80	3468±
EH 205 Leroy St Daniel K. Ellicott	Pt of 060.43-4-7	1000
WH 205 Leroy St Holding Holdings, LLC*	Pt of 060.43-4-7	1000
35 Merrimac St James Peterson	106.40-4-45.1	2042±
35 Wilkins St Joseph Santiago	106.23-4-6	3414±
103 Woodward St Yolanda M. Facey & Renita Cole	106.73-2-6	4562±

*Officers: Geoffery F. Howe; Karin L. Bucklin
Section 4. The Council hereby further approves the sale of the following parcel of improved property by regular auction:

Address: 60-62 Orange St
S.B.L.#: 105.84-1-56&57

Price: \$11,100
Legal Use: 1 Family
Purchaser: Gary Rogers

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-386
Re: Asset Control Area Business Plan
Amendment and Agreements

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the Business Plan for the Asset Control Area (ACA) Agreement. This legislation will:

1. Amend Ordinance No. 2003-121 to allow the Rochester Housing Development Fund Corporation (RHDFC) to develop ACA properties that do not meet Home Rochester program criteria and which will allow such properties to be sold to buyers with incomes up to 115% of the area median.
2. Authorize an agreement with the RHDFC which will permit the RHDFC to acquire and develop ACA properties and to manage a loss reserve account to offset expenses incurred through the development of these properties.
3. Appropriate \$200,000 from the ACA Program account for the creation of this loss reserve account.
4. Authorize an agreement with the Greater Rochester Housing Partnership (GRHP) in an amount not to exceed \$90,000 for the provision of construction management services.
5. Appropriate \$90,000 from the ACA Program account to fund the GRHP construction management services agreement.

Currently the ACA agreement utilizes two development tracks to rehabilitate and sell ACA properties. Two tracks were created to ensure that the City would meet HUD guidelines that require 75% of all properties to be rehabilitated, sold and closed within 12 months of acquisition. The remaining 25% must be completed and closed within 18 months of acquisition.

Development Track I directs properties to be sold to the RHDFC and developed through the Home Rochester program. This program utilizes several subsidy sources to offset the cost of construction of these properties and also requires buyers to have incomes at or below 80% of the area median. Buyers are also required to live in the properties for a minimum of ten years. It was anticipated that approximately 75% or 90 ACA properties would be developed through

Track I each year.

The remaining 25%, or 30 properties, were to be developed directly by the City through Track II. It was considered advantageous for the City to directly develop a portion of the properties because the ACA agreement allows buyers with higher incomes to participate in the program and also allows more flexibility with occupancy requirements so buyers of smaller properties are not committed to live in a two-bedroom home for ten years.

During program implementation, it has been a challenge to identify contractors who meet the City's strict bidding, insurance and bond requirements and are also interested in doing small single family, Track II rehabilitation projects. The lack of participating contractors makes it difficult to adhere to the deadlines set forth in the agreement. It is our concern that we will be unable to meet the deadlines specified in the agreement if we do not make this change to the program.

With the further assistance of the RHDFC, we will be able to meet our development deadlines and retain the ability to provide homeownership opportunities to higher income buyers. To accomplish this, the City would no longer become the developer for Track II properties. Instead, the City would transfer all ACA properties to the RHDFC for rehabilitation and re-sale.

With the exception of this issue, the program has been going well. The City began acquiring homes in April 2004 and approximately 89 homes have entered the system. Approximately 70 homes have been selected for development through the Home Rochester program, or Track I. Nineteen homes have been selected to be developed directly by the City (Track II).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-386
(Int. No. 415)

Amending The Asset Control Area Business Plan And Authorizing Agreements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby further approves an amendment to the business plan for the acquisition of residential real estate from the United States Department of Housing and Urban Development (HUD) and the resale of said real estate to the Rochester Housing Development Fund Corporation (RHDFC) or eligible purchasers through the Asset Control Area (ACA) Program without further Council approval. The amendment shall allow the RHDFC to develop ACA properties that do not meet Home Rochester Program criteria and to sell such properties to buyers with incomes up to 115% of the area median.

Section 2. The Mayor is hereby authorized to enter into an agreement with the RHDFC to permit RHDFC to acquire and develop ACA properties and to manage a loss reserve account to offset expenses incurred through the development of those properties.

Section 3. The agreement shall obligate the City of Rochester to provide an amount not to exceed \$200,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from ACA

Program Funds.

Section 4. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Housing Partnership, Inc. for construction management services for the ACA Program.

Section 5. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$90,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from ACA Program Funds.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-387
Re: Lead Based Paint Hazard Reduction
Demonstration Grant Program

R2010: Campaign 4 - Environmental
Stewardship
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Lead-Based Paint Hazard Reduction Demonstration Grant Program. This legislation will:

1. Accept and appropriate \$2,499,310 in Lead-Based Paint Hazard Reduction Demonstration Grant Program funds from the U.S. Department of Housing and Urban Development's Office of Healthy Homes and Lead Hazard Control;
2. Appropriate \$1,090,862 in 2004 HOME funds for the City Lead Program;
3. Appropriate \$347,477 from the Improving Housing Stock and General Property Conditions allocation of the 2000-2001 CDBG (Rehabilitation of Investment Properties);
4. Approve an agreement with Environmental Education Associates, Inc. in an amount not to exceed \$78,000 which will be funded from the HUD Lead Hazard Control Grant Program authorized in Ordinance 2003-404;
5. Approve an agreement with the Housing Council in the Monroe County Area, Inc. in an amount not to exceed \$95,240 which will be funded from the HUD Lead Hazard Control Grant Program authorized in Ordinance 2003-404; and
6. Amend the 2004-05 Budget of the Department of Community Development by \$23,600 and Undistributed Expense by \$17,000 to fund a rehabilitation specialist for the period of January 1, 2005 to June 30, 2005. These funds are from the HUD Lead Hazard Reduction Demonstration Grant referenced in #1 above.

In September 2003, the City was awarded \$5.4 million from the U.S. Department of Housing and Urban Development's Office of Healthy Homes and Lead

Hazard Control (OHHLHC). Attached, is a summary description of these programs.

In September 2004, the City was awarded a new grant from OHHLHC in the amount of \$2,499,310 bringing total HUD funding awards to approximately \$8,000,000. Listed below is a summary of the City's HUD awards:

HUD Award	Program	Amount
FY 2003	Lead Hazard Control Program	\$2,918,423
FY 2003	Lead Hazard Reduction Demonstration Program	2,568,248
FY 2004	Lead Hazard Reduction Demonstration Program	<u>2,499,310</u>
Total		\$7,985,981

In conjunction with these HUD funding awards, the City has to date appropriated \$3,170,400 to serve as the funding match. Listed below is a summary of City appropriations.

Ordinance Number	City Authorization	Amount
2002-316	October 15, 2002	\$1,000,000
2003-35	February 11, 2003	387,000
2003-73	November 18, 2003	175,000
2003-404	December 23, 2003	<u>1,608,400</u>
Total		\$3,170,400

The additional appropriation of \$1,438,339 (proposed in #2 and #3 above) will bring the City's current commitment to \$4,608,739 to match the HUD programs. These funds, combined with HUD funds, bring a total of \$12,594,720 to fund a lead hazard reduction program now called "City LEAD". Through this program, the City will produce a minimum of 600 units of lead-safe housing by 2008.

After receiving initial HUD funding in September 2003, the City executed contracts with HUD in March 2004. Between September and March, the following planning stages were completed: Environmental review; professional service agreements for risk assessments, blood testing, worker training and property owner training; loan closing documents produced; program policies and procedures written; application intake procedures developed; a new case tracking system purchased; contracts developed with grant partners to include the University of Rochester and the Coalition to Prevent Childhood Lead Poisoning.

The City began accepting applications for City LEAD in December 2003; funding for those projects was committed in March 2004 after the City executed contracts with HUD. Since then, the City has enrolled 105 housing units (92 properties) in City LEAD, representing 25% of the 3 1/2 year production goal of producing 426 units by March 2007. These units include both owner-occupied and renter-occupied structures. Approximately 80% of these units are now entering the construction/lead hazard reduction phase of the program.

Another accomplishment has been contractor training. City LEAD requires the use of EPA-certified abatement contractors. To meet program demands, the City has committed to certify 100 contractors by March 2005. To date, 41 Lead Workers have been

EPA-certified through City training. In addition, 40 contractors have completed the Lead Supervisor training course and have either received, or are in the process of receiving, certification. This represents 81% of our production goal. 52% of trained contractors are employed by minority-owned firms.

Additional contractor training sessions will be offered over the winter by Environmental Education Associates. The target is to certify 75 Workers and 25 Supervisors.

The Housing Council will continue to provide administrative services for the Lead Hazard Control Program. The HC will manage application intake and processing for landlords who want to participate in the program. Under their current contract, the HC has delivered 40 case files to the City representing 96 housing units.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-143

Ordinance No. 2004-387
(Int. No. 416, As Amended)

Appropriating Funds, Authorizing Agreements And Amending The 2004-05 Budget For Lead-Based Paint Hazard Control Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$2,499,310, or so much thereof as may be necessary, is hereby appropriated from Lead-Based Paint Hazard Reduction Demonstration Grant Program Funds to fund the Lead-Based Paint Hazard Reduction Demonstration Program.

Section 2. The sum of \$1,090,862, or so much thereof as may be necessary, is hereby appropriated from 2004 HOME Program Funds to fund the Lead Hazard Control Program.

Section 3. The sum of \$347,477, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2000-01 Community Development Program to fund the Lead Hazard Control Program.

Section 4. The Mayor is hereby further authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for administrative services for the Lead Hazard Control Program. The amendatory agreement shall obligate the City to pay an amount not to exceed \$95,240, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 1 of Ordinance No. 2003-404.

Section 5. The Mayor is hereby further authorized to enter into an amendatory agreement with Environmental Education Associates, Inc. to provide EPA-certified training courses for workers and contractors that undertake lead hazard control work. The amendatory agreement shall obligate the City to pay an amount not to exceed \$78,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 1 of Ordinance No. 2003-404.

Section 6. The agreements shall contain such ad-

ditional terms and conditions as the Mayor deems to be appropriate.

Section 7. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community Development by the sum of \$23,600 and to Undistributed Expense by the sum of \$[17,000] 8,500, which amounts shall be funded from the appropriations made in Section 1 herein.

Section 8. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-388
Re: Amending the City Code - Elevator Certification Fees

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the City Code to increase elevator certification and penalty fees, which were last revised in June 1991.

Every six months, property owners are required to certify their elevators with the City of Rochester. Certification requires an inspection by the City-approved elevator inspection agency. A permit fee study conducted in March 2003 by the Bureau of Buildings and Zoning recommended that revisions of fees are appropriate given increases in operating costs.

Proposed are:

An increase from \$20 to \$45 for inspection certification for each elevator; and

An increase from \$50 to \$75 as the penalty for an overdue inspection.

The new fees will take effect as of January 1, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-388
(Int. No. 417)

Amending The Municipal Code With Respect To Fees For Elevator Certifications

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 50-23 of the Municipal Code, Fees for elevator certifications, as amended, is hereby further amended by deleting the fee "\$20" where it appears in subsection A and by inserting in its place the fee "\$45", and by deleting the charge "\$50" where it appears in subsection B and by inserting in its place the charge "\$75".

Section 2. This ordinance shall take effect on January 1, 2005.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-389
Re: Parkview Apartments - PILOT

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation re-authorizing a property tax exemption and a payment in lieu of taxes (PILOT) agreement for the Parkview Apartments project located at 1786 St. Paul Street.

Parkview Apartments is a 22-unit apartment building built in 1928, which consists of three studio apartments, 17 one-bedroom apartments and two two-bedroom apartments. The property has been operated as an affordable rental project since 1988 under the Low Income Housing Tax Credit Program. Rents are currently affordable to households with incomes at 45% of median family income. Approximately 60% of the existing tenants receive assistance in paying their rents through the Monroe County Department of Human and Health Services.

Ordinance No. 97-285 (July 22, 1997) authorized a PILOT agreement for the property through the 2004 assessment year. The property did receive a modest amount of renovation with the savings enabled by the PILOT. The current agreement expires on December 31, 2004.

The current property owner has been seeking a long-term solution to the ongoing maintenance issues which confront this aging property. A solution emerged earlier this year when the project was awarded an allocation of Low Income Housing Tax Credits by the State of New York, which is expected to generate \$558,824 of equity for reinvestment in the property. As part of this undertaking, there will be a change in ownership and a new limited partnership will be formed which will include: Parkview St. Paul GP, LLC (Operating General Partner), an affiliate of the existing owner; Parkview-14621, LLC (Managing General Partner), an affiliate of Group 14621 Community Association, Inc.; and Greater Rochester Housing Tax Credit Fund III, LLC (Limited Partner), an affiliate of the Greater Rochester Housing Partnership. Sermar Management will be contracted to provide property management services.

The proposed project has a total development cost of \$983,058 and will result in the substantial rehabilitation of the building, with the objective of establishing a 30-year useful life. The improvements include: new kitchens, baths, roof, windows, doors, flooring and appliances; and upgrading of mechanical systems. All units will be made lead-safe.

During construction, the Rochester Housing Development Fund Corporation (RHDFC) and GRHPI, Inc. (an affiliate of the Greater Rochester Housing Partnership) will function in temporary General Partner roles as a means of enabling the project to become eligible for the use of \$30,000 in Community Development Financial Institution (CDFI) grant funds offered through the Community Preservation Corporation (CPC). CPC was awarded \$1 million in CDFI grant funds by the U.S. Treasury Department to be used in conjunction with the RHDFC to undertake affordable rental projects. Previously funded projects include HOP's RARE II project and Providence's Northern Star project. CPC is also providing the construction

financing and a \$300,000 permanent mortgage for the project. The City is not providing any project financing.

The renovated project will provide safe, sanitary housing with rents affordable to households at 40% of median family income. The monthly rent levels (heat included) will be: Studio - \$343; One-bedroom - \$393; and Two-bedroom - \$462. The units must remain affordable for a 30-year regulatory period.

The proposed exemption and PILOT would be for 30 years, with a payment of 10% of shelter rents.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-389
(Int. No. 419)

Approving A Property Tax Exemption And In-Lieu-of-Tax Agreement For Parkview Apartments

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 125 of the New York State Private Housing Finance Law, the Council hereby authorizes a tax exemption for 30 years for the Parkview Apartments housing project, consisting of the parcels of property at 1786-1792 St. Paul Street, SBL# 091.530-01-019, to be owned by a new limited partnership.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the new owner of the Parkview Apartments housing project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-390
Re: Fast Ferry Plan Review

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation establishing maximum compensation of \$30,000 for an agreement with TranSystems Corporation for a review of the proposed business plan for public ownership/operation of the Fast Ferry between Rochester and Toronto. The cost of the agreement will be funded from the 2004-05 Budget of the City Council/City Clerk.

As you are aware, the current ferry operators, CATS, ceased operation of the service on September 7; subsequently, foreclosure proceedings have been initiated by the senior lenders and could be completed

within 50-80 days.

In response, and in recognition of the importance of the Fast Ferry service as a key economic development engine for Rochester, the Mayor has developed a proposal for public ownership and operation of the Fast Ferry service. The proposed plan was released to the public and made available on the City's web site so that full public review and discussion could take place on this important project. As part of that review, meetings were held with representatives of the NY State Legislature regarding the proposal to create an Authority as the vehicle for the public operation. It was the consensus of those meetings that an Authority could not be created within the time frame required to avoid the loss of the boat. As a result, the Mayor and his staff are developing alternative options for a vehicle to provide for public ownership and operation of the Fast Ferry.

While these details of the plan are still in flux, the underlying business plan contains a series of assumptions about both expenses and revenues that form the underpinnings of the entire project. If this plan is to go forward, City Council will be asked to provide legislative authority for the project and some form of financial support. In order to fulfill our responsibilities for due diligence prior to any such consideration, the proposed agreement will provide the kind of expert analysis that can either verify or refute the validity of those assumptions.

TranSystems is a large, well-respected transportation consulting firm that is familiar with the Fast Ferry as a result of their earlier work in 2001 on the initial phase of the project. They will be assisted in their review by Klugherz & Associates on the marketing and planning items and Scully Capital on the financial analysis. The review began this week and will be completed by December 20.

Respectfully submitted,
Lois J. Giess Wade S. Norwood, Chair
President Housing & Economic
 Development Committee

Ordinance No. 2004-390
(Int. No. 435)

Establishing Maximum Compensation For A Professional Services Agreement With TranSystems Corporation For A Review Of The Proposed Business Plan For The Fast Ferry Project - \$30,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as maximum compensation for a professional services agreement with TranSystems Corporation to conduct a review of the proposed business plan for public ownership/operation of the Fast Ferry between Rochester and Toronto. Said amount shall be funded from the 2004-05 Budget of the City Council/City Clerk.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor and City Council President deem to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-391
Re: Huther-Doyle Drug Prevention Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Huther-Doyle, 360 East Avenue, to administer a drug prevention program. The cost of this agreement will be \$20,000; funding requires the following additional legislation:

Amending the 2004-05 Consolidated Community Development Plan by transferring \$20,000 within the Improve the Housing Stock - General Property Conditions Allocation from the Neighborhood Parks / Playground account to a new account for the Huther-Doyle Drug Prevention Program; and appropriating these funds for the Huther-Doyle Drug Prevention Program.

The Huther-Doyle Drug Prevention Program will provide funding for a Program Specialist working within the city on drug summit activities, including those that are required in a Drug-Free Communities Support Program Grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-391
(Int. No. 418)

Amending The 2004-05 Community Development Program By Transferring Funds And Authorizing An Agreement For The Huther-Doyle Drug Prevention Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions Allocation the Neighborhood Parks/Playground Account shall be reduced by the sum of \$20,000 and said amount shall be transferred to a new account for the Huther-Doyle Drug Prevention Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with Huther-Doyle for the Drug Prevention Program.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-392
Re: Zoning Map Amendment - 721-785
University Avenue (odd #s); 772-816
University Avenue (even #s); 31 & 32
Portsmouth Terrace; 127, 158 & 160
Merriman Street; 1 Oxford Street;
and 36 Rundel Park

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the first 14 properties listed below from R-2 with Overlay Office to R-2 with Overlay Boutique, and the next 13 properties from R-2 to R-2 with Overlay Boutique.

The City Planning Commission is acting as the applicant for this rezoning on behalf of the Atlantic-University Neighborhood Association. This portion of University Avenue is along the "ARTWalk". The intent of this rezoning is to allow mixed residential and limited small-scale commercial uses.

The 14 properties which are currently R-2 with Overlay Office and their uses are:

- 772 University Single Family House
- 774-776 University 2 Family House
- 780 University 2 Family House
- 784 University 4 Family (Apartment)
- 788 University Converted Residence (1st Floor
- Office, 2nd Floor -
1 Family)
- 794 University 3 Family House
- 798 University Single Family House
- 800 University 3 Family House (Side by
Side)
- 802 University Single Family House
- 804 University 3 Family House
- 810 University Converted Residence (1st Floor
- Office, 2nd Floor -
2 Family)
- 816 University 3 Family House
- 158 Merriman Single Family House
- 160 Merriman Single Family House

The 13 properties which are currently R-2 and their uses are:

- 721 University 2 Family with Home Occupa-
tion (Hair Stylist)
- 727 University Single Family House
- 733 University 3 Family House
- 739 University 2 Family House
- 745 University 2 Family House
- 775 University Converted Residence (1st Floor
- Office, 2nd Floor -
2 Family)
- 779 University 3 Family House
- 785 University Detached Row Building (1st
and 2nd Floor Front -
Retail Store, 2nd Floor Rear
- 1 Family)
- 31 Portsmouth 4 Family (Apartment)
- 32 Portsmouth 5 Family (Apartment)
- 127 Merriman 2 Family House

1 Oxford St. 5 Family (Apartment)
36 Rundel Pk 2 Family House

The Atlantic-University Neighborhood Association acquired signatures from over 70% of the affected property owners (50% is required by the Zoning Code). Signatures and a copy of the certified letter which was sent to all affected property owners, are included in the Staff Report, which is available for review in the City Clerk's office along with a legal description of the properties.

The Planning Commission held an informational hearing on November 15, 2004; one person spoke in support of the request. By a vote of 4-0-0, the Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor, as lead agency, has determined that the proposal will not result in any significant adverse impacts and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-144

Ordinance No. 2004-392
(Int. No. 420)

Changing The Zoning Classification Of 772-816 University Avenue And 158 & 160 Merriman Street From R-2 Medium Density Residential With O-O Overlay Office, And 721-785 University Avenue, 31 & 32 Portsmouth Terrace, 127 Merriman Street, 1 Oxford Street And 36 Rundel Park From R-2 Medium Density Residential, To R-2 Medium Density Residential With O-B Overlay Boutique

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following described properties, constituting 772-816 University Avenue and 158 & 160 Merriman Street from R-2 Medium Density Residential with O-O Overlay Office, and 721-785 University Avenue, 31 & 32 Portsmouth Terrace, 127 Merriman Street, 1 Oxford Street and 36 Rundel Park from R-2 Medium Density Residential, To R-2 Medium Density Residential with O-B Overlay Boutique:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows:

Beginning at the centerline intersection of Rundel Park (80' ROW) and University Avenue (80' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Southeasterly, along said centerline of University Avenue, a distance of 581 feet, more or less, to the centerline intersection of Merriman Street (66' ROW); thence
- 2) Northeasterly, along said Merriman Street centerline, a distance of 196 feet, more or

less, to the westerly projection of the north line of Lot 60 of the North Vick Tract, as filed in the Monroe County Clerk's Office in Liber 5 of Maps, Page 53; thence

- 3) Southeasterly, along said projection and the north line of Lots 60, 62, 64, 66, 68, 70, 72, 74 and 75 of said North Vick Tract, a distance of 404 feet, more or less, to the northeast corner of said Lot 75; thence
- 4) Southwesterly, along the east line of said Lot 75, a distance of 21 feet, more or less, to the northwest corner of Lot 76 of the said North Vick Tract; thence
- 5) Southeasterly, along the north line of said Lot 76, a distance of 44 feet to the northeast corner thereof; thence
- 6) Southwesterly, along the east line of said Lot 76 and it's southerly projection, a distance of 241 feet, more or less, to the said centerline of University Avenue (100' ROW); thence
- 7) Southeasterly, along said University Avenue centerline, a distance of 150 feet, more or less, to the northerly projection of the east line of Lot 78 of said North Vick Tract; thence
- 8) Southwesterly, along said projection and the east line of Lot 78 and 80, a distance of 125 feet, more or less, to the midpoint of said Lot 80; thence
- 9) Northwesterly, through the center of said Lot 80 and it's westerly projection, a distance of 204 feet, more or less, to the centerline of Portsmouth Terrace (107' ROW); thence
- 10) Northeasterly, along said Portsmouth Terrace centerline, a distance of 15 feet, more or less, to the easterly projection of the south line of lands owned by Gary Stam and Lynn Allington by a deed filed in Liber 9252, Page 352; thence
- 11) Northwesterly, along said projection and the south line of said lands of Stam and Allington, a distance of 184 feet, more or less, to the east line of lands owned by said Stam and Allington by a deed filed in Liber 5800, Page 299; thence
- 12) Southerly and westerly, along the various courses of said lands of Stam and Allington, a distance of 119 feet, more or less, to the southwest corner thereof, said corner being the southwest corner of Lot 67 of said North Vick Tract; thence
- 13) Northeasterly, along the west line of said Stam and Allington, a distance of 30 feet to the southeast corner of lands owned by said Stam and Allington by a deed filed in Liber 6830, Page 246; thence
- 14) Northwesterly, along the south line of said Stam and Allington, a distance of 40 feet to the southwest corner thereof; thence
- 15) Northeasterly, along the west line of said Stam and Allington, a distance of 50 feet to southeast corner of lands owned by Dennis

- and Bonita Stanko by a deed filed in Liber 7442, Page 84; thence
- 16) Northwesterly, along the south line of said lands of Stanko and it's westerly projection, a distance of 123 feet, more or less, to the said centerline of Merriman Street (66' ROW); thence
 - 17) Northeasterly, along said Merriman Street centerline, a distance of 20 feet, more or less, to the easterly projection of the south line of Lot 2 of the Hellem Subdivision as filed in Liber 6 of Maps, Page 101; thence
 - 18) Northwesterly, along said projection and the south line of Lot 2, a distance of 114.2 feet, more or less, to the southwest corner thereof and the east line of Lot 1; thence
 - 19) Southwesterly, along the east line of said Lot 1, a distance of 40 feet to the southeast corner thereof; thence
 - 20) Northwesterly, along the south line of said Lot 1, a distance of 40 feet to the southwest corner thereof and the east line of Lot 40 of the Culver Park Tract, as filed in Liber 3 of Maps, Page 112; thence
 - 21) Southwesterly, along the said east line of Lot 40, a distance of 50 feet to the southeast corner thereof; thence
 - 22) Northwesterly, along the south line of Lot 40, 39 and 38 of said Culver Park Tract, a distance of 120 feet to the southeast corner of Lot 37 of said Tract; thence
 - 23) Northeasterly, along the east line of said Lot 37, a distance of 50 feet to a point; thence
 - 24) Northwesterly, on a line parallel with and 50 feet north of the southerly line of said Lot 37, a distance of 93 feet, more or less, to the centerline of Oxford Street (66' ROW); thence
 - 25) Northeasterly, along said Oxford Street centerline, a distance of 65 feet, more or less, to the easterly projection of the south line of Lot 36 of said Culver Park Tract; thence
 - 26) Northwesterly, along said projection and the south line of Lot 36, a distance of 103.3 feet, more or less, to the east line of lands owned by Donald Brown and Ronald Bouchard by a deed filed in Liber 5621, Page 205; thence
 - 27) Southwesterly, along said east line of Brown and Bouchard, a distance of 40 feet to the southeast corner thereof; thence
 - 28) Northwesterly, along the south line of said lands of Brown and Bouchard and it's westerly projection, a distance of 110 feet, more or less, to the said centerline of Rundel Park; thence
 - 29) Northeasterly, along said Rundel Park centerline, a distance of 127 feet, more or less, to the centerline of University Avenue, said centerline intersection being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Mains
December 21, 2004

To the Council:

The Public Services, Health & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 421 - Amending The 2004-05 Budget With Respect To Ice Hockey Officials

Int. No. 422 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Dance Instruction

Int. No. 434 - Approving An Amendatory Agreement And By-Laws For The Rochester-Monroe County Youth Bureau, As Amended

Int. No. 442 - Authorizing An Agreement For The School No. 28 After School Program

Respectfully submitted,
William F. Pritchard
Benjamin L. Douglas
Lois J. Giess
Gladys Santiago (Abstained vote on Int. No. 442)
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-393
Re: Rochester Ice Hockey Officials, Inc.

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2004-05 Budget of the Department of Parks, Recreation and Human Services in the amount of \$7,400.

The increase is revenue related and is designated for officials' fees pursuant to Ordinance No. 2004-320 approved at the September 28, 2004 Council meeting. This action was inadvertently omitted from the September Council item approving the agreement with Rochester Ice Hockey Officials, Inc.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-393
(Int. No. 421)

Amending The 2004-05 Budget With Respect To Ice Hockey Officials

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby

further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$7,400, which amount is hereby appropriated from ice hockey fees to pay for ice hockey officials.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-394
Re: Agreement - Kuumba Consultants

R2010: Campaign 2 - Educational Excellence
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Kuumba Consultants (principal, Dolores Radney), 325 Roslyn Street, Rochester, New York 14619, for them to provide instruction in dance styles for youth ages 6-16 at various recreation centers. The cost of this agreement will be \$4,550 to be funded from the 2004-05 Budget.

Kuumba Consultants will conduct 16 one-hour dance sessions at each of the five sites. The agreement also includes five rehearsals and a recital at East High School on May 20, 2005. These classes will be scheduled between January 12, 2005 and May 20, 2005. This fee includes all instruction, supervision and administration of all rehearsals/performance.

Kuumba Consultants has a current agreement with the City #39 School RASA program through June 4, 2005 at a cost of \$7,150. They also had an agreement to provide music workshops at Steppin'Up To Solutions at Carter Street Recreation Center on October 23, 2004. A previous contract in the amount of \$2,400 for Kuumba to provide dance instruction at various recreation centers expires January 10, 2005.

The aggregate cost of these agreements is \$14,550, including the amount of this additional agreement. The term of the new agreement will be January 12, 2005 through May 20, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-394
(Int. No. 422)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Dance Instruction

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$4,550, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Kuumba Consultants for dance instruction at City recreation centers. Said amount shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-395
Re: Youth Bureau Agreement

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a change in format for the agreement between the City of Rochester and Monroe County for the Youth Bureau.

The Youth Bureau Agreement has not been revised since 1982. The 1982 document, titled, "By-Laws", included both the City-County Agreement and the internal By-Laws of the Youth Board. The new agreement document will contain only the City-County Agreement and will address the financial arrangement between the City and County for programs and administrative costs and clarify the roles of each.

The Youth Bureau Board By-Laws are now set forth in a separate document. The number of board members (Article II) has changed from 25 (23 Adults and 2 Youth) to 19 (15 Adults and 4 Youth). Unchanged are two (2) additional, ex-officio members from the City Council and the County Legislature, respectively. In 1982 the appointments were made jointly by the City and the County. They are now made separately. Ten (10) adults and two (2) youth by the County Executive and five (5) adults and two (2) youth by the Mayor. The by-laws may be revised by vote of the Board members. All other respective components of both documents remain primarily unchanged.

Both the Agreement and the By-Laws are available for review in the City Clerk's Office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-395
(Int. No. 434, As Amended)

Approving An Amendatory Agreement And By-Laws For The Rochester-Monroe County Youth Bureau

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the County of Monroe for the Rochester-Monroe County Youth Bureau, containing the financial and administrative provisions and duties of the parties. The Council further approves changes in the By-Laws of the Rochester-Monroe County Youth [Bureau] Board whereby there shall be 19 Board Members (15 Adults and 4 Youth), of which 10 Adults and 2 Youth shall be appointed by the County Executive, and 5 Adults and 2 Youth by the Mayor. There shall also be 2 additional, ex-officio members from the City Council and County Legislature.

Section 2. The agreement and by-laws shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-396
Re: Agreement - Ibero-American Action League

R2010: Campaign 2 - Educational Excellence
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement for \$10,262 with Ibero-American Action League, Inc., 917 East Main Street, Rochester, New York for their participation in the After School Program at No. 28 School, 450 Humboldt Street. This agreement will be funded through the 2004-05 Budget.

Ibero-American Action League is being included in the program to encourage the participation of Hispanic youth. They will be responsible for hiring a Youth Mentor and a Coordinator for the #28 School program.

The coordinator will be responsible for creating and assisting with the delivery of youth development activities, developing and maintaining communications with participants and their families and supervising the youth mentor. The youth mentor will primarily focus on the delivery of programs and assisting teachers and recreation staff with activities. Both will also be required to attend any training necessary for the program.

The term of the agreement is January 3, 2005 through June 1, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-396
(Int. No. 442)

Authorizing An Agreement For The School No. 28 After School Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Ibero-American Action League, Inc. for participation in the School No. 28 After School Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,262, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Stevenson - 8.

Nays - None - 0.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

By Councilmember Stevenson
December 21, 2004

To the Council:

The Parks, Public Works & the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 423 - Amending The 2004-05 Budget With Respect To City Court Renovations

Int. No. 424 - Amending The Municipal Code With Respect To Water Rates

Int. No. 425 - Authorizing Agreements With Respect To The Mt. Hope Avenue And East Henrietta Road Public Improvement Project

Int. No. 426 - Establishing Maximum Compensation For A Professional Services Agreement For Preliminary Design Services For The Norton Street Improvement Project

Int. No. 427 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$940,000 Bonds Of Said City To Finance The Additional Cost Of Environmental Clean-Up At The City's Bureau Of Water & Street Lighting Site At 10 Felix Street

Int. No. 436 - Determinations & Findings Relating To The Acquisition Of Fee And Easements At 50 Hughes Place (A.K.A. 0 Petten Street) For The Genesee Riverway Trail Project

Int. No. 409 - Authorizing The Acquisition By Negotiation Or Condemnation Of Fee And Easements At 50 Hughes Place (A.K.A. 0 Petten Street) For The Genesee Riverway Trail And Amending Bond Ordinance No. 2004-375, As Amended

The Parks, Public Works & the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 444 - Amending Chapter 62 Of The Municipal Code With Respect To Solicitors, As Amended

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Voted against Int. No. 424 and Int. No. 427)
Adam C. McFadden (Voted against Int. No. 444)
Lois J. Giess
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-397
Re: Budget Amendment - NYS Unified Court System

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2004-05 operating budget of the Department of Environmental Services by \$40,000. The increase is for additional carpentry, electrical, painting, and repair work needed at the City Court Criminal Branch facilities and will be financed through anticipated reimbursements from the NYS Unified Court System.

On August 24, 2004, City Council authorized through Ordinance 2004-284 a five-year agreement with the NYS Unified Court System for cleaning services and minor and emergency repairs by the City of the interior of the City Court Criminal Branch facilities within the Monroe County Public Safety Building. The City is reimbursed for the full cost of these services. The additional work falls within the parameters of this program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-397
(Int. No. 423)

Amending The 2004-05 Budget With Respect To City Court Renovations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Environmental Services by the sum of \$40,000, which amount is hereby appropriated from anticipated reimbursements from the New York State Unified Court System to fund renovations to City Court facilities.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-398
Re: City Code Amendment - Water
Rate Increase

R2010: Campaign 7 - Quality Service
Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing a water rate increase effective January 1, 2005. The existing water rates went into effect on January 1, 2004. The proposed 5% increase is anticipated to generate an additional \$1,200,000.

The increase is needed to meet ongoing demands of the water system capital improvement program; meet a modest anticipated increase in operating costs; and assure a continued contribution to the general fund. The 5% increase is consistent with the ten-year Water Fund rate plan. In subsequent years, lower rate increases are anticipated in the 2% to 3% range.

The water system has an aggressive capital improve-

ment plan that includes multiple programs to modernize the distribution system, upgrade the production and storage facilities, replacements for the operating facility and implement routine replacements for equipment and appurtenances. A multi-year program to upgrade the transmission conduits also has been initiated. This program includes a combination of pipe replacements and a corrosion management system that uses electric current cathodic protection.

Expenses for employee salaries account for 30% of total annual water fund expenditures. The current labor union contract will expire on June 30, 2005 leaving the wage increase unknown at this time. Additional operating budget increases are expected for employee benefits costs and as a result of general inflation.

The proposed rate increase will apply to all fee categories, including consumption charges, meter charges and special service fees, and will be applied evenly (except for very minor variations resulting from rounding). The attached spreadsheet includes details of all proposed rate adjustments.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-145

Ordinance No. 2004-398
(Int. No. 424)

Amending The Municipal Code With Respect To Water Rates

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection A thereof to read in its entirety as follows:

A. Consumption rates.

- (1) Consumption charge; schedule of rates.

Gallons Consumed Per Month	Charge per 1,000 Gallons
0 to 20,000	\$2.57
20,000 to 620,000	2.35
Over 620,000	1.84

(2) Base charge.

Size of Meter (inches)	Charge per Month
Up to 3/4	\$ 5.39
1	28.85
1-1/2	42.74
2	57.18
3	142.94
4	285.64
6	428.18
8	570.74
10	713.44

Section 2. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection C thereof to read

in its entirety as follows:

C. Fire-service charges.

(1) Domestic fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2	\$ 30.05
4	60.11
6	118.26
8	236.50
10	349.14
12	502.52

(2) Holly high-pressure fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 4	\$106.37
6	141.77
8	283.58
10	418.25

(3) Holly high-pressure consumption charge.

Gallons Consumed Per Month	Charge per 1,000 Gallons
0 to 20,000	\$5.14
20,000 to 620,000	4.70
Over 620,000	3.68

Section 3. This ordinance shall take effect on January 1, 2005.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers Curran, Mains - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-399
Re: Mt. Hope Avenue and East Henrietta Road Public Improvement Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Mt. Hope Avenue and East Henrietta Road Public Improvement Project, a Federal Aid project within the City of Rochester. The legislation will:

1. Authorize any necessary agreements with the New York State Department of Transportation to participate in and administer the project; and
2. Appropriate \$509,000 from anticipated reimbursements from the Federal Highway Administration. These funds combined with \$127,000 of previously appropriated Cash Capital (\$100,000 from 2001-02, \$27,000 from 2002-03) will be used to finance the federal and local shares of the

Federal Aid eligible portions of the preliminary engineering/design and right-of-way incidental costs of the project.

The New York State Department of Transportation has asked the City of Rochester to administer the project. The above authorizations are required at this time to substantiate the City's commitment to the project.

The Mt. Hope Avenue (Elmwood Avenue to the City line) and East Henrietta Road (Mt. Hope Avenue to South Avenue) Public Improvement Project design will include rehabilitation, reconstruction and reconfiguration of the roadway and intersection improvements, drainage, curb, traffic signal, signage, sidewalk, streetscape, landscaping, water distribution system, and other improvements. The preliminary engineering study for the project is expected to be complete in 2007.

The previous and current estimated costs for the project are as follows:

	Previous	Current
Federal Share	\$ 624,000	\$6,609,000
Local Share	4,016,000	1,651,000
Total	\$4,640,000	\$8,260,000

The current project budget reflects an increased scope on Mt. Hope Avenue from partial rehabilitation to full reconstruction, and significant increases in construction costs which have been seen in recent bid prices. These increases in costs are due to substantial increases in steel, asphalt and fuel prices.

The City is currently seeking grant approval for the federal funding for the final design, construction and right-of-way acquisition costs.

The project is eligible to receive New York State Marchiselli Program funding toward 75% of the local share of the right-of-way and construction costs of the Project. The State funding has been requested, but is not yet approved in the State budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor
Attachment No. AD-146

Ordinance No. 2004-399
(Int. No. 425)

Authorizing Agreements With Respect To The Mt. Hope Avenue And East Henrietta Road Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into necessary agreements with the New York State Department of Transportation to participate in and administer the Mt. Hope Avenue and East Henrietta Road Public Improvement Project. To fund the preliminary engineering and design and right of way incidental costs of this project, the sum of \$509,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration, \$100,000 shall be funded from the 2001-02 Cash Capital Allocation and \$27,000 shall be funded from the 2002-03 Cash Capital Allocation.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to

be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-400
Re: Agreement - Stantec Consulting Group,
Norton Street Improvement Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Stantec Consulting Group, Inc. for engineering planning and preliminary design services for the Norton Street Improvement Project. The cost of this agreement, \$85,000 will be funded from the 2000-01 and 2002-03 Budgets of the Department of Environmental Services.

Request for proposals for the professional services were solicited for this project from three organizations. Stantec is recommended to provide the required services based upon their past and proposed performance qualifications.

The project will involve the rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting and water mains, as required; and tree plantings.

The previous and current estimated cost of the project are shown below:

Improvement	Previous	Current
Street		
County		
Reimbursements	\$ 2,000,000	\$3,300,000
City	1,220,000	1,301,000
Water	320,000	470,000
Total	\$3,540,000	\$5,071,000

The previous cost estimate for this project was recently revised taking into account the substantial increase in construction costs encountered in bids received in the past year. These cost increases are the result of substantial increases in steel, asphalt and fuel prices. Additional funding for these cost increases have been requested from Monroe County in the 2006 County budget and will be requested in the City's 2005-06 Capital Improvement Program currently being prepared.

The Norton Street Improvement Project is part of the County-assisted Arterial Improvement Program. The County's participation in the project is in accordance with the agreement authorized by City Council on July 29, 1981. Under the terms of the agreement, an engineering plan must be prepared and approved by the Council. It is anticipated that the Engineering Planning & Preliminary Design Report will be completed in the fall of 2005.

Design of the project is scheduled to be completed in summer 2006. Construction is expected to begin in fall 2006, and be completed in 2007.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-147

Ordinance No. 2004-400
(Int. No. 426)

Establishing Maximum Compensation For A Professional Services Agreement For Preliminary Design Services For The Norton Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$85,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Group, Inc. for engineering planning and preliminary design services for the Norton Street Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$10,200 shall be funded from the 2000-01 Cash Capital Allocation and \$74,800 shall be funded from the 2002-03 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-401
Re: Environmental Cleanup - Bureau of
Water & Street Lighting, 10 Felix Street

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$940,000 for the environmental cleanup of the central and southern portions of the City of Rochester's Bureau of Water & Street Lighting facility located at 10 Felix Street (hereinafter referred to as the "Site"), and appropriating the proceeds thereof.

The Department of Environmental Services (DES) is developing a plan for the redevelopment of the Site into a new City Operations Center. The redevelopment will include the demolition of all existing buildings, and the construction of new buildings, equipment and raw material storage facilities, and other improvements beginning sometime in 2005. The central and southern portion of the Site was formerly used as the City's Department of Public Works facility from the early 1900's until the 1980's. Since the 1980's the Site has been used by the City's Bureau of Water and Street Lighting. The former Department of Public Works facility contained several vehicle repair and maintenance garages, machine shops, collision and paint shops, a gasoline refueling facility, aboveground and underground storage tanks, and equipment and material storage buildings.

The City has initiated several environmental investigations and interim cleanups of the Site starting in 1990. The northern 1.7 acres of the Site contained the City's former gasoline refueling station. This portion of the Site contained petroleum-contaminated soils, groundwater, and petroleum product floating on groundwater. In June 2001 City Council authorized a bond ordinance for \$457,000 for a preliminary sub-

surface investigation, interim cleanup, and remedial design planning services. An interim cleanup of the northern gasoline refueling station was completed in 2002, which included the excavation and off-site disposal of approximately 6,300 tons of petroleum-contaminated soil and fill materials. Recovery of floating petroleum product was also completed at this time. The interim cleanup was successful in meeting the specified cleanup objectives; however, some residual soil and groundwater contamination still exists in this portion of the Site.

In anticipation of the redevelopment of the Site, the Division of Environmental Quality (DEQ) contracted for the completion of Phase 1 Environmental Site Assessment (completed in June 2001), and a Phase 2 Environmental Investigation (completed in September 2001) of the center and southern portions of the Site. The Phase 2 investigation identified four abandoned underground storage tanks, several areas of petroleum and solvent contaminated soil, and groundwater contamination thought to be associated with vehicle repair, refueling and equipment repair. Subsurface soil and groundwater contamination extended beneath existing buildings and underground utilities. In 2001, DEQ directed the removal of four abandoned storage tanks and 222 tons of contaminated soil. The tanks were in poor condition and additional contaminated soil associated with these tanks extended under existing buildings and utilities.

In response to these findings the New York State Department of Environmental Conservation (NYSDEC) was notified and has requested additional on-site and off-site investigation. In March 2003 City Council authorized the issuance of bonds in the amount of \$250,000 for the completion of a remedial investigation to delineate the contamination and evaluate remedial alternatives, completion of a corrective action plan, remedial design services, and implementation of interim remedial measures if warranted.

In 2004 LaBella Associates, P.C. completed a remedial investigation which identified four small areas of soil and/or groundwater contamination collectively containing approximately 500 to 600 cubic yards (~850 to 1,020 tons) of contaminated soil. These four areas were remediated in the summer of 2004 and the contaminated soils are currently undergoing on-site bioremediation. The remedial investigation identified a large area or "plume" of primarily petroleum contamination located in the central portion of the Site (refer to Figure 1). The plume is approximately 26,000 square feet in area and may contain approximately 14,500 tons of contaminated soil, the majority of which exceeds NYSDEC soil cleanup objectives. Groundwater within the plume contains contaminants that exceed the State's groundwater standards and guidance values. The sources of the contamination include former underground storage tanks, historic releases from underground utilities (e.g., drains), and suspected spills and releases from former operations. The plume is located under several existing buildings, and also under the proposed footprint of several buildings associated with the new Operations Center.

In 2004 LaBella developed a draft environmental Corrective Action Plan (CAP) which specifies the remedial measures warranted to address the source of the large petroleum plume, to decontaminate subsurface structures which will be encountered during demolition, to remediate groundwater contamination, and to construct engineering controls to mitigate odors and vapors. The CAP Work Plan will be submitted and approved by the NYSDEC and the Monroe County Department of Health prior to implementa-

tion in 2005. The CAP Work Plan will include the following elements:

A source removal plan for the excavation and off-site disposal of approximately 10,000 tons of contaminated soil and several thousand gallons groundwater.

A site-specific Health and Safety Plan (HASP) which will specify procedures to be used to protect workers from potential environmental hazards that may be encountered during the cleanup. A site-specific Community Air Monitoring Program (CAMP) will specify procedures for monitoring for vapors, dust, and particulates during intrusive activities.

Design of environmental engineering controls including a vapor barrier and subsurface venting systems to mitigate vapors and odors from entering any newly constructed buildings.

Design and implementation of groundwater remediation system, including the long-term monitoring, operation, and maintenance plans.

Development of the cleanup approach has been coordinated with redevelopment plans to increase the efficiency and effectiveness of the cleanup. Discussions and meetings with the NYSDEC and the Monroe County Department of Health (MCDOH), have been underway for several months; both are generally supportive of the proposed cleanup approach.

LaBella has developed a detailed cost estimate to implement the draft CAP and estimates the cost for cleanup at approximately \$750,200. Due to the large scale and complexity of the project, a contingency in the amount of \$190,000 (approximately 25%) is being added to address unknown conditions and potential waste volume increases. The cleanup work will be performed by the selected consultant using a new professional services agreement.

The cleanup project is anticipated to begin in spring or summer 2005, and the initial cleanup activities are expected to take three to five months to complete. Engineering controls will be installed as part of the new construction of the buildings, and groundwater remediation is expected to require at least two years of operation and monitoring.

The proposed project addresses R2010 Plan Campaign 4 - Environmental Stewardship, and specifically addresses Goal H which designates reclaiming brownfields and other contaminated land and facilities for useful and protective development.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AD-148

Ordinance No. 2004-401
(Int. No. 427)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$940,000 Bonds Of Said City To Finance The Additional Cost Of Environmental Clean-Up At The City's Bureau Of Water & Street Lighting Site At 10 Felix Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the additional cost of the environmental clean-up of hazardous substances at the Bureau of Water & Street Lighting site at 10 Felix Street in the City of Rochester, New York (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,397,200. The plan of financing includes the issuance of \$940,000 bonds of the City, and said amount is hereby appropriated therefore, together with the application of \$457,200 bonds previously appropriated in Ordinance No. 2001-318, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$940,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$940,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Section 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized,

and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-402
Re: Genesee Riverway Trail - Acquisition
of 50 Hughes Place (a.k.a. 0 Petten St.)

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation approving the determinations and findings related to acquisition by negotiation or condemnation, of part of 50 Hughes Place (a.k.a. 0 Petten Street). Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law.

A public hearing concerning the proposed acquisition was conducted on November 23, 2004. There was one speaker; he supports the acquisition. These determination and findings are proposed:

Project Description: Construction of a multi-use off-road trail facility to complete a major portion of the Genesee Riverway Trail on the west bank beginning just south of Turning Point Park and extending 1.6 miles to Petten Street (to Lake Avenue). A portion of the trail will proceed north on a pile-supported structure through the Turning Basin and traverse the northern bank (with a structure) to the area known as Turning Point Park North. Construction will include improvements to an existing at-grade railroad crossing. The project will

require acquisition of a 4.267-acre parcel (with two derelict structures which will be demolished) and two easements at 50 Hughes Place (a.k.a. 0 Petten Street). The easements will provide for construction and maintenance of drainage improvements. The City shall assure that there is adequate access to the private property.

Project Purpose: The project will benefit the City by enabling the construction of a major portion of the Genesee Riverway Trail planned to link Center City and the Port of Rochester, and complete the existing trail from Center City to the south City line.

Project Effect: The project will implement a portion of the City's Local Waterfront Revitalization Plan, consistent with the City of Rochester 2010 Renaissance Plan, Campaign 4 Environmental Stewardship. In all, the project will have no negative environmental impacts and a highly beneficial effect upon the community.

Upon approval of the determination and findings, the legislation authorizing the acquisition (Introductory No. 409) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-402
(Int. No. 436)

Determinations & Findings Relating To The Acquisition Of Fee And Easements At 50 Hughes Place (A.K.A. 0 Petten Street) For The Genesee Riverway Trail Project

WHEREAS, the City of Rochester proposes to acquire a portion of the fee and two easements over the parcel at 50 Hughes Place (a.k.a. 0 Petten Street) as part of the Genesee Riverway Trail - Turning Point Park to Petten Street Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on November 23, 2004 pursuant to Article 2 of the Eminent Domain Procedure Law to consider acquisition of this fee and easements over this parcel,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

- a. Project Location: The City proposes the public acquisition of a portion of the following parcel and easements over two other portions:

Address: 50 Hughes Place (0 Petten Street)
SBL#: 061.30-0001-008

- b. Public purpose and general effect:

1. The fee portion of this parcel has been designated for acquisition to further the objectives of the Genesee Riverway Trail - Turning Point Park to Petten Street Project which calls for the development of a multi-use trail facility to complete a major portion of the Genesee Riverway Trail. The easements over two additional portions of the parcel at said address are necessary for the construction and maintenance of drainage improvements as a part of said Genesee Riverway Trail Project.

2. The general effects of the acquisition of this fee and easements on the environment and the residents of the immediate area will be beneficial. The project will have no significant adverse environmental effects. The acquisitions will complete a major portion of the Genesee Riverway Trail and will allow greater public access to the Genesee River waterfront.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 409 was introduced November 23, 2004, and appears in its original form with its transmittal letter on page 348 of the current Council Proceedings.

Ordinance No. 2004-403
(Int. No. 409, As Amended)

Authorizing The Acquisition By Negotiation Or Condemnation Of Fee And Easements At 50 Hughes Place (A.K.A. 0 Petten Street) For The Genesee Riverway Trail And Amending Bond Ordinance No. 2004-375

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of approximately 4.267 acres of land at 50 Hughes Place (a.k.a. 0 Petten Street), reputedly owned by Genesee Marina, Inc. (Principal: Donald Suhr), for construction of a portion of the Genesee Riverway Trail, and easements over two additional parcels at said address for the construction and maintenance of drainage improvements as a part of said Genesee Riverway Trail Project.

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$[400,000] 430,000, and of said amount, or so much thereof as may be necessary, and necessary closing costs not to exceed \$20,000, \$[344,000] 360,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration, \$70,000 shall be funded from a bond adopted for this purpose, \$2,000 shall be funded from the 2001-02 Cash Capital Allocation and \$[16,000] 18,000 shall be funded from Bond Ordinance No. 2001-233.

Section 3. In the event that said fee or easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said fee and easements.

Section 4. Ordinance No. 2004-375, a bond ordinance in the amount of \$70,000 to finance the cost of the acquisition of land and easements for construction of a portion of the Genesee Riverway Trail from Turning Point Park to Petten Street, is hereby amended by increasing the total estimated cost of the Project from \$430,000 to \$450,000, of which \$70,000 shall be funded from the bond, \$360,000 shall be funded from anticipated reimbursements from the Federal Highway Administration, 18,000 shall be funded from Bond Ordinance No. 2001-233, and \$2,000 shall be funded from the 2001-02 Cash Capital Allocation.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-404
Re: Vending

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the City's policies on vending. The legislation proposes the following changes:

Expand the Main Street Vending regulations to cover the entire Center City Zoning District;

Create a new Harbortown Vending District based on the Main Street model;

Provide a reduced vending fee for businesses in the Main Street and Harbortown Districts who operate vending carts outside their existing businesses;

Prohibit operation of vending carts from midnight to 5:00 am;

Clarify that vendors cannot avoid regulations by moving from the right of way to an adjacent privately owned parcel;

Require vendors to provide their vending location.

During the past year, the City Clerk, along with representatives of the Law, Finance, Community Development, Environmental Services, NET, and Police Departments, has undertaken a review of the various vending activities that are licensed by the City Clerk. This review suggested that inequities existed in the Center City area because of the differential charges between the licensees within the Main Street District and those just beyond its boundaries. Despite the differences, the costs to monitor vending activity and provide required cleaning services as needed, were essentially the same. The proposed expansion of the district recognizes these facts.

In the Harbortown area, the City began receiving substantial numbers of complaints last summer about an influx of vendors who were setting up in a variety of areas and were causing both pedestrian and vehicular traffic problems. As Charlotte continues to grow and develop, it is recommended that a district like that in use on Main Street be developed, with prescribed locations for vending identified and made available through the same lottery system used on Main Street.

At the same time, it has been pointed out that several businesses have chosen to set up vending carts outside their existing businesses. In order to recognize that these businesses already pay property taxes and are often choosing to engage in vending to protect their inside business, a 30% reduction in licensing fees for such businesses is proposed.

The City has received growing numbers of complaints regarding the impact of sidewalk vendors after the closing hours of bars and taverns. This problem has been increasing in scope since it was first brought to our attention several years ago. Given both the serious nature of the complaints and the expanding

areas from which they are emanating, the proposed restrictions, which prohibit vending activity between midnight and 5:00 am, is justified.

Further, the committee learned that some vendors have attempted to avoid enforcement by moving their carts from the sidewalk to adjacent parking lots or other private property; the proposed legislation extends the regulatory framework to the adjacent private property. In addition, vendors will be required to notify the City of the location in which they plan to vend.

All solicitors licenses are due to expire on December 31; timely applications will enable vendors to operate their carts without any interruption of service.

Finally, a review of the City's costs associated with the administration and enforcement of vending regulations will be conducted by City Clerk, Environmental Services, NET, and Community Development staff during the next few months to determine if the current fees are appropriate.

Respectfully submitted,
Lois J. Giess Robert J. Stevenson
President Councilmember
 Northwest District

Councilmember Pritchard moved to amend Introductory No. 444.

The motion was seconded by Councilmember McFadden.

The motion was adopted unanimously.

Ordinance No. 2004-404
(Int. No. 444, As Amended)

Amending Chapter 62 Of The Municipal Code With Respect To Solicitors
BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 62 of the Municipal Code, Commercial Travelers, Solicitors and Special Promotional Events, as amended, is hereby further amended as follows:

a. Section 62-1, Definitions, is hereby amended by adding thereto the following new definition where it should appear in alphabetical order:

PUBLIC PLACE - Any area or building owned, operated or controlled by or on behalf of any government, municipality or public authority or corporation within the boundaries of the City of Rochester, or portion of such place, which is generally accessible to the public, including but not limited to streets, sidewalks, skywalks, parking garages and lots, parks, playgrounds, recreation areas, cemeteries, places of employment or operations and schools and school grounds; as well as private property, other than inside a building, upon which members of the public are solicited.

b. Section 62-2, License required, is hereby amended by adding thereto the following new subsection D:

D. Nothing contained in this Chapter shall

authorize a solicitor to engage in business in a park without a permit as required in Chapter 79, Parks.

- c. Section 62-3, Fees and expiration of licenses, is hereby amended by amending subsection A(2) to read in its entirety as follows:
- (2) Solicitor: \$200 for a license which is valid outside of the Center City Zoning District and the Harbortown Vending District, and \$600 for a license which includes the Center City Zoning District or the Harbortown Vending District, which licenses shall include a solicitor's license and a license for one cart. Each additional cart shall require payment of a full fee. Persons operating businesses in buildings within the Center City Zoning District or the Harbortown Vending District shall be entitled to a discount of one-third of the fee for a license to vend in an approved location outside of their business.
- d. Section 62-6, General regulations, is hereby amended by adding thereto the following new subsection[s] A(20) [and (21)]:
- (20) [No person shall engage in business as a solicitor or attempt to engage in business as a solicitor in the public streets, sidewalks or public places, or from private property through solicitation other than within a building, between the hours of 12:00 midnight and the following 5 A.M.]
- (21) [No person shall engage in business as a solicitor or attempt to engage in business as a solicitor except at the location reported by said person to the City.]
- e. Section 62-6, General regulations, is hereby amended by adding thereto the following new subsection D(8):
- (8) The location at which the solicitor intends to do business.
- f. Section 62-7, Additional Main Street area provisions, is hereby amended by amending the title to read "Additional Center City Zoning District and Harbortown provisions" and be further amending the introductory clause to subsection A to read as follows:
- A. In addition to the general provisions set forth in § 62-6 of the Municipal Code, the following regulations shall also apply to solicitors in the Center City Zoning District, as established pursuant to Chapter 120, Zoning Code, and the Harbortown Vending District, which shall include all of the R-H River Harbor Zoning District as established pursuant to Chapter 120, Zoning Code, which is north of the new O'Rorke Bridge, and those lands zoned O-S Open Space which border the southern boundary of Ontario Beach Park and are east of Estes Street:
- g. There is hereby added the following new Section 62-13:
- Section 62-13. Exemptions.

The following activities shall be exempted from the requirements of this Chapter:

- A. Garage sales, basement sales, porch sales, yard sales and other such events at which a person desires to sell or trade his or her personal used items, household goods, furniture or equipment upon his or her premises, said premises not being a regular place of business for purchase or sale of goods. No more than two such sales shall be conducted by the same person or persons upon the same premises within one calendar year, and each such sale shall not exceed 10 consecutive days.
- B. The sale of homemade food or drinks at a residence by the owner or occupant thereof, provided that a commercial vending unit is not used and the aggregate size of any table or tables or other display, preparation and storage areas shall not exceed four feet wide by eight feet long.

Section 2. This ordinance shall take effect on January 1, 2005.

Bracketed material deleted.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers Mains, McFadden - 2.

By Councilmember Douglas
December 21, 2004

To the Council:

The Finance & Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 428 - Cancellation Of Taxes And Charges

Int. No. 429 - Amending The Municipal Code With Respect To Per Diem Meal Allowances

Int. No. 430 - Authorizing An Agreement For A Pilot Drug Control Project And Amending The 2004-05 Budget

Int. No. 431 - Establishing Maximum Compensation For A Professional Services Agreement For Continued Administration Of The Drug Testing Program

Int. No. 432 - Appropriation Of Funds - Insurance Reserve Fund

Int. No. 433 - Resolution Establishing The Maximum Number Of Commissioners Of Deeds

Int. No. 437 - Approving The Weed & Seed Program

Int. No. 438 - Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

Int. No. 443 - Authorizing An Agreement With The County Of Monroe With Respect To Unarraigned Prisoners And Forensic Services, As Amended

The following entitled legislation is being held in committee:

Int. No. 439 - Amending The Municipal Code To Provide For The Establishment Of Drug Free Zones

Int. No. 440 - Authorizing Amendatory Application And Agreements Relating To The Rochester After School Academy I Program And Amending The 2004-05 Budget

Int. No. 441 - Authorizing Amendatory Application And Agreements Relating To The Rochester After School Academy II Program And Amending The 2004-05 Budget

Int. No. 445 - Adoption Of Monroe County Pre-Disaster Mitigation Plan

Respectfully submitted,
 Benjamin L. Douglas
 Brian F. Curran
 Robert J. Stevenson
 Gladys Santiago (Voted on Int. No. 428 and Int. No. 429)
 FINANCE & PUBLIC SAFETY COMMITTEE

Received, file and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-405
 Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$8,627.33.

An amount of \$6,258.13 or 72.54% of the total, relates to two properties that had code violation and rehabilitation charges levied against a former owner or in error.

A sum of \$2,369.20, or 27.46% of the total, is attributed to one property that was purchased through foreclosure sale by the City of Rochester prior to the July 1, 2004 levy of tax.

If this cancellation is approved, total cancellations thus far for 2004-05 will be \$414,346.56.

	<u>Accounts</u>	<u>Amounts</u>
City Council	17	\$389,350.54
Administrative	82	24,996.02
Total	99	\$414,346.56

These cancellations represent 0.190% of the tax receivables as of July 1, 2004.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2004-405
 (Int. No. 428)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges:

(a) This property was taken by the City in foreclosure prior to the levy of July 1, 2004 City and School taxes.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
<u>Address</u>			
105.590-0001-010	H	2005	\$2,369.20
201 Parkway			

(b) Properties with Code Violations that were invalid or attributed to a former owner.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
<u>Address</u>			
120.270-0001-057	NH	2005	\$3,900.00
213 Campbell St			
121.300-0001-046	H	2005	2,358.13
130-132 Spring St			
Grand Total			\$8,627.33

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously,

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2004-406
 Re: City Code Amendment - Per Diem Meal Allowances

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation:

1. Amending the City Code by authorizing an increase in the payment of a per diem allowance for meals for employees traveling on official business; and
2. Authorizing the Budget Bureau to revise the per diem allowance according to the Consumer Price Index for All Urban Consumers (CPI-U).

An amendment to the NY State General Municipal Law, enacted in 1991, requires the City Council to authorize the payment of any per diem allowances. Under NY State Law, the City reimburses employees for all reasonable expenses incurred while traveling on official business. Such reimbursement is governed by Administrative Regulation 5-1, a copy of which is available for review in the Office of the City Clerk. Under this regulation, the City currently reimburses employees for meal expenses at a per diem rate based on their destination (normal daily rate or high cost metropolitan area rate). Using this rate enables reimbursement when, as is often the case, receipts for meals cannot be provided.

The recommended total allowance, illustrated below, is an increase of 46.2% and 11.8%, respectively, compared to the current normal and high cost allowances, which were established in 1991. The consumer price index has increased by 33.34% over the same time.

	Current Daily Rate		Proposed Consolidated Rate
	Normal	High Cost	
Breakfast	\$ 4	\$ 6	\$ 6
Lunch	8	10	12
Dinner	14	18	20
Total	\$26	\$34	\$38

The effective date for the increase will be January 1, 2005. The proposed allowances are, on average, less than those prescribed by the US Internal Revenue Service for income tax purposes.

The current procedure requires verifying the per diem rate for each location and selecting the indicated rate. A consolidated rate is proposed for uniformity and efficiency in processing travel authorizations, and is consistent with other recent modifications in travel authorization procedures. The consolidated rate will be less expensive overall, since approximately fifty percent of trips are to high cost metropolitan areas.

The Budget Bureau will review and evaluate the per diem allowance every two years, and through this legislation will be authorized to increase the amount of the per diem allowance by the same percentage, if any, that the CPI-U has increased during the most recent twenty-four month period prior to January 1 for which such Index has been published, except that no such increase shall exceed three percent (3%).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-406
(Int. No. 429)

Amending The Municipal Code With Respect To Per Diem Meal Allowances

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 14-1 of the Municipal Code, Per diem meal allowances, as amended, is hereby further amended to read in its entirety as follows:

Section 14-1. Per diem meal allowances.

City officials and employees traveling on official City business may receive a payment of a per diem allowance for meals not to exceed \$38, which amount may be increased by the Budget Director every two years to reflect increases in the Consumer Price Index for All Urban Consumers (CPI-U) during the most recent twenty-four month period prior to January 1 for which such index has been published, except that no such increase shall exceed 3%.

Section 2. This ordinance shall take effect on January 1, 2005.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-407
Re: Appropriation of Forfeiture Funds
Agreement - John Jay College of
Criminal Justice

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation related to establishing a pilot project aimed at controlling drug markets in a targeted area of the City. This legislation will:

1. Authorize an agreement with John Jay College of Criminal Justice, 899 Tenth Avenue, New York City, in an amount not to exceed \$140,000, for consultant services. The term of the agreement will be January 1, 2005 - December 31, 2005;
2. Appropriate \$140,000 from forfeited property revenues (this will leave an undesignated balance of \$276,844 in the fund); and
3. Amend the 2004-05 Budget to include the above appropriation.

The primary researcher assigned to the project will be David Kennedy, who will be moving from his current position as a senior researcher at the Program in Criminal Justice Policy and Management, Kennedy School of Government, Harvard University, to a similar position with John Jay College in January 2005. He is currently directing the Rochester Ceasefire Project along with Professor John Klotus of the Rochester Institute of Technology. The Ceasefire Project can be correlated to a drop of over 30 percent in the homicide rate for the current year.

In 2005 David Kennedy will continue planning and begin implementation on this new project designed to explore the possibility of redeploying traditional criminal justice and prevention measures. In particular it is designed to assess whether it might be possible to reshape illicit drug markets so that they are smaller and, therefore, less harmful through some of the following tactics:

Using police and other criminal justice enforcement activities, but in a way that minimizes the use of actual arrest and prosecution and their associated costs;

Using direct communication with offenders, including clear communication of official goals and policies, to generate deterrent effects;

Emphasizing key community goals, such as violence reduction and the elimination of overt drug trafficking activity;

Engaging a variety of official, family, and community partners in a strategy that will meet with approval from a range of constituencies.

This project will be coordinated with existing local efforts, the Rochester Strategic Approaches to Community Safety (SACSI) initiative, and the Justice Department's Project Safe Neighborhoods (PSN) initiative. Professor Klotus, of R.I.T. will continue to work with David Kennedy and the John Jay College team. It is anticipated that the design and implementation of an innovative drug market operation will substantially reduce trafficking and associated harms. Mr. Kennedy will develop a pilot program in an area to

be selected, work through the strategies, and provide an evaluation of the project.

The use of these funds for this purpose conforms to the Attorney General's Guidelines for Seized and Forfeited Property (July 1990) Section V. A., as follows:

... "All property transferred to state and local agencies and any income generated by this property shall be used for the law enforcement purposes specified in the request...."

...Cash and property shall be equitably shared with a state or local agency only where it will increase and not supplant law enforcement resources of the specific state or local agency that participated in the forfeiture."

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-407
(Int. No. 430)

Authorizing An Agreement For A Pilot Drug Control Project And Amending The 2004-05 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$140,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and John Jay College of Criminal Justice for a pilot project to control drug markets in City neighborhoods. Said amount shall be funded from the 2004-05 Budget of the Rochester Police Department.

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$140,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-408
Re: Agreement - Newport Alliance for Business Health

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a two-year agreement with Newport Alliance for Business Health for the continued administration of the drug and alcohol testing program. The maximum annual cost of the agreement will be \$45,600, which will be funded from the 2004-05 and 2005-06 budgets for Undistributed Expenses.

Newport will provide, as required by the Omnibus Transportation Employee Testing Act, random and follow-up testing for drugs and alcohol for employees whose duties require the possession of a commercial

driver's license. Newport will also provide drug and alcohol testing for employees of the Emergency Communications Department, which is a collective bargaining agreement mandate. Additionally, pre-employment testing will be performed for Police Officer and Firefighter candidates.

Newport Alliance for Business Health has administered the City's drug and alcohol testing program from its inception. The most recent agreement for these services was authorized by City Council on December 21, 2001.

This agreement includes fee reductions, the most prominent being a 20% decrease in the cost of testing our CDL drivers. These fee reductions will save the City \$7,400 over the life of this agreement, based on the testing estimates. The increase in the overall annual cost of the agreement, when compared to previous agreements, is due to a large increase in the estimated volume of Police Officer candidates that will need to be tested.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-408
(Int. No. 431)

Establishing Maximum Compensation For A Professional Services Agreement For Continued Administration Of The Drug Testing Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$45,600, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Newport Alliance for Business Health for continued administration of the drug testing program for a term of two years. Said amounts shall be funded from the 2004-05 and 2005-06 budgets for Undistributed Expense, contingent upon approval of the subsequent budget.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Mains - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-409
Re: Appropriation - Insurance Reserve Fund

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation appropriating \$4.0 million from the Insurance Reserve Fund to finance the payment of general liability claims. The City is self-insured against all general liability, auto and personal claims, for which purpose the Insurance Reserve Fund is maintained. All claims are paid from this fund.

The monies maintained as reserves are invested until needed for disbursement. The interest earned on these

investments is added to the fund balance. From November 1, 2003 to September 30, 2004, for example, total interest earned was \$129,244.

At present, the fund contains a balance of approximately \$14.2 million. However, the appropriated fund balance (the amount appropriated for disbursement) is \$792,178. Under the proposed legislation, an additional \$4.0 million will be appropriated for payment of claims. A similar appropriation of \$5.0 million was approved by the City Council on December 23, 2003.

The 2003 appropriation, combined with prior appropriations, has been used for the following self-insurance payments since January 1, 2004.

Auto Liability	
Bodily Injury	\$ 0
Property Damage	165,721
General Liability	
Bodily Injury	110,802
Property Damage	538,131
Breach of Contract Suit	
Demolition & Personal Injury	3,511,936
Total	<u>\$4,326,590</u>

Detailed reports on the City's claim experience are submitted to the Council on a quarterly basis.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-409
(Int. No. 432)

Appropriation Of Funds - Insurance Reserve Fund

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Insurance Reserve Fund the sum of \$4 million, or so much thereof as may be necessary, to finance the payment of General Liability Claims.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2004-25
Re: Commissioner of Deeds

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the issuance of Commissioner of Deeds. The proposed legislation establishes the number of Commissioners of Deeds at no more than 250 per year during calendar years 2005 and 2006. Since January 2002, fewer than 200 have been issued, so the 250 annual maximum is expected to be sufficient to meet projected demand.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2004-25
(Int. No. 433)

Resolution Establishing The Maximum Number Of Commissioners Of Deeds

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. During calendar years 2005 and 2006, there shall be appointed no more than 250 Commissioners of Deeds annually.

Section 2. This resolution shall take effect on January 1, 2005.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-410
Re: Weed and Seed Initiative

R2010: Campaign 1 - Involved Citizens
Campaign 2 - Educational Excellence
Campaign 3 - Health, Safety
and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Department of Justice for receipt and use of a supplemental grant of \$450,000 under the Weed and Seed Initiative, and amending the 2004-05 Budget to reflect this. This legislation will also authorize any agreements necessary to implement the program.

The program, which was expanded in 2001, is designed to support both anti-crime efforts (weed) and projects that prevent crime by improving neighborhood conditions (seed). In Rochester, the program will be operated in Sectors 3,4,9,10.

The grant will support the following programs:

<u>Northeast Area</u>	
RPD - Investigation & Prevention of violent crimes in public housing	\$ 50,000
Teen Court	30,680
Pathways to Peace	25,732
Safe Haven	45,000
Sector Community Grants	20,000
Travel	7,500
Personnel	30,680
Supplies	3,408
Administration	2,000
Administrative Cost	<u>10,000</u>
Total	\$225,000

<u>Southwest Area</u>	
RPD - Investigation & prevention of violent crimes in public housing	\$ 50,000
Pathways to Peace	25,732
Teen Court	39,088
Safe Haven	40,000
Sector Community Grants	20,000
Travel	7,500
Personnel	30,680
Administration	2,000
Administrative cost	<u>10,000</u>
Total	\$225,000

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-410

(Int. No. 437)

Approving The Weed & Seed Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice, Office of Justice Programs, for funding under the Weed & Seed Grant Program.

Section 2. There is hereby appropriated from Weed & Seed Grant Program Funds the sum of \$450,000, or so much thereof as may be necessary, to fund the Weed & Seed Program.

Section 3. The Mayor is hereby further authorized to enter into such agreements as may be necessary to implement the Weed & Seed Program, in amounts not to exceed those set forth in the Weed & Seed Program Budget.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-411
Re: Agreement - Kevin Cleary Government Relations LLC
R2010: Campaign 5 - Regional Partnerships
Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an agreement with Kevin Cleary Government Relations LLC for 2005 Albany-based lobbying services on behalf of the City of Rochester. The amount of this agreement will be \$37,900, to be financed from the 2004-05 Budget. This amount is an increase of 3% over the 2004 contract.

Mr. Cleary has provided lobbying services for the City for a number of years, initially while he was employed by another firm and eventually under the auspices of his own firm, Kevin Cleary Government Relations LLC. This firm is based in Albany, New York; this location facilitates the efficient and effective provision of services required by the City and was determined to be preferable to utilization of a local firm.

Kevin Cleary Government Relations LLC has assisted the City in lobbying the Governor's Office, the State Assembly, the State Senate, and various other State offices and authorities on behalf of increased State Aid for the City, State participation in various economic development ventures in Rochester, alienation of parkland, and other matters of importance.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2004-411
(Int. No. 438)

Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$37,900, or so much thereof as may be necessary, plus reimbursement for extraordinary travel and communications expenses authorized by the City, is hereby established as the compensation to be paid for a professional services agreement between the City and Kevin Cleary Government Relations, LLC, for the continued provision of State lobbying services. Said amount shall be funded from the 2004-05 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2004-412
Re: Pre-Disaster Mitigation Plan

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing a resolution adopting the Monroe County Pre-Disaster Mitigation Plan. The plan is required to be in place by all communities in order to be eligible for federal funds for hazard prevention. The plan was developed through collaborative efforts from the City of Rochester, County of Monroe, 19 towns and ten villages within the County, three authorities, the Cornell Cooperative Extension, the American Red Cross and Rochester Gas and Electric. City Council approval and adoption is required by the Federal Emergency Management Agency. The plan will be annexed to the City of Rochester Comprehensive Emergency Preparedness Plan.

The Disaster Mitigation Act of 2000 established a new requirement that all local governments have an All-Hazard Mitigation Plan in place by November 1, 2004 to be eligible to receive Hazard Mitigation Grant Program Funding. The County Office of Emergency Preparedness received a grant to spearhead this effort. All 21 participating jurisdictions agreed that a single comprehensive, all-inclusive plan would best serve our communities.

The plan is designed to reduce or eliminate losses from natural, human or technological hazards. This is done through a comprehensive hazard and risk assessment process based on possibility, probability and actual experience.

The requirement for a public hearing was satisfied for all involved municipalities by the one held by the Monroe County Legislature on December 14, 2004. A copy of the plan is available for review in the Office of the City Clerk.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Douglas moved to have Introductory No. 445 removed from committee.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Ordinance No. 2004-412
(Int. No. 445)

Adoption Of Monroe County Pre-Disaster Mitigation Plan

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires that all local governments have an approved disaster mitigation plan in place in order to be eligible for Federal Hazard Mitigation Grant Program (HMGP) project funding; and

WHEREAS, representatives of the County of Monroe, the City of Rochester, the Towns of Brighton, Chili, Clarkson, Gates, Greece, Hamlin, Henrietta, Irondequoit, Mendon, Ogden, Parma, Penfield, Perinton, Pittsford, Riga, Rush, Sweden, Webster and Wheatland, and the Villages of Brockport, Churchville, East Rochester, Fairport, Hilton, Honeoye Falls, Pittsford, Scottsville, Spencerport and Webster, have actively participated in the design and the writing of the Monroe County Pre-Disaster Mitigation Plan ("the Plan"); and

WHEREAS, the Federal regulations implementing the Disaster Mitigation Act of 2000, (44 CFR §201.6(c)(5)) require that the Plan be formally adopted by each jurisdiction requesting approval of the Plan;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves and adopts the Monroe County Pre-Disaster Mitigation Plan.

Section 2. The Monroe County Executive, or her designee, is hereby authorized and directed to submit the Monroe County Pre-Disaster Mitigation Plan to the New York State Emergency Management Office for review.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 439
Re: Establishment of Drug Free Zones

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation creating a new section of the City Code to prohibit loitering for the purpose of selling drugs in defined business and residential areas. For several years, the City has received complaints about increasing numbers of individuals who loiter in front of businesses, homes, street corners, and vacant lots. Not only are these people loitering, but many of them are also involved in serious crimes such as homicides, robberies, selling narcotics, endangering the welfare of children, etc. The problem is especially acute in the "Crescent" area and throughout many southwest and northeast neighborhoods.

The result of this activity is a worsened perception of personal security and a decrease of patronage of commercial establishments throughout the City.

In some areas of our City, such as Park Avenue, social exchange such as window shopping or outdoor dining

does not have a negative effect on the community. The proposed legislation would not interfere with such positive community interaction. Rather, it would prohibit actions that would be construed by a reasonable person as potentially involved in drug dealing. These actions would include loitering on corners, at businesses, bus stops, and vacant lots, in areas identified as Drug Free Zones.

The defined Drug Free Zones will be identified by the Chief of Police based on specific criteria defined in the legislation. Violations of the new section would be punishable by fines ranging up to \$300; second offenses could result in additional fines, community service, or jail terms of up to 30 days.

Respectfully submitted,
Adam C. McFadden
Councilmember, South District

Introductory No. 439

AMENDING THE MUNICIPAL CODE TO PROVIDE FOR THE ESTABLISHMENT OF DRUG FREE ZONES

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby added to the Municipal Code a new Chapter 47C, Drug Free Zones, to read in its entirety as follows:

Chapter 47C. Drug Free Zones.

§ 47C-1. Definitions.

For the purposes of this chapter, the term:

- (1) "Chief of Police" means the Chief of Police of the City of Rochester.
- (2) "Disperse" means to depart from the designated drug free zone and not to reassemble within the drug free zone with anyone from the group ordered to depart for the duration of the zone.
- (3) "Drug free zone" means public space on public property in an area not to exceed a square of 1000 feet on each side that is established pursuant to § 47C-2.
- (4) "Illegal drug" means "marihuana" or a "controlled substance" as defined in Section 220.00 of the New York State Penal Law, which is possessed or sold in violation of Article 33 of the New York State Public Health Law.
- (5) "Police Department" means the Rochester Police Department.

§ 47C-2. Procedure for establishing a drug free zone.

- (1) The Chief of Police may declare any public area a drug free zone for a period not to exceed 120 consecutive hours. The Chief of Police shall inform each member of the Council of the City of Rochester of the declaration of a drug free zone.
- (2) In determining whether to designate a drug free zone, the Chief of Police shall consider the following:

- (a) The occurrence of a disproportionately high number of arrests for the possession or distribution of illegal drugs in the proposed drug free zone within the preceding 6-month period;
- (b) Any number of homicides related to the possession or distribution of illegal drugs that were committed in the proposed drug free zone within the preceding 6-month period;
- (c) Objective evidence or verifiable information that shows that illegal drugs are being sold and distributed on public space on public property within the proposed drug free zone; and
- (d) Any other verifiable information from which the Chief of Police may ascertain whether the health or safety of residents who live in the proposed drug free zone are endangered by the purchase, sale, or use of illegal drugs or other illegal activity.

§ 47C-3. Notice of a drug free zone.

Upon designation of a drug free zone, the Police Department shall mark each block within the drug free zone by using barriers, tape, or police officers that post the following information in the immediate area of, and borders around, the drug free zone:

- (1) A statement that it is unlawful for a person to congregate in a group of 2 or more persons for the purposes of participating in the use, purchase, or sale of illegal drugs within the boundaries of a drug free zone, and to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department who reasonably believes the person is congregating for the purpose of participating in the use, purchase, or sale of illegal drugs;
- (2) The boundaries of the drug free zone;
- (3) A statement of the effective dates of the drug free zone designation; and
- (4) Any other additional notice to inform the public of the drug free zone.

§ 47C-4. Prohibition.

- (1) It shall be unlawful for a person to congregate in a group of 2 or more persons in public space on public property within the perimeter of a drug free zone established pursuant to § 47C-2 and to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department who reasonably believes the person is congregating for the purpose of participating in the use, purchase, or sale of illegal drugs.
- (2) In making a determination that a person is congregating in a drug free zone for the purpose of participating in the use, purchase, or sale of illegal drugs, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining whether such purpose is manifested are:
 - (a) The conduct of a person being observed, including, but not limited to, that such

person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in illegal drug activity, such as the observable distribution of small packages to other persons, the receipt of currency for the exchange of a small package, operating as a lookout, warning others of the arrival of police, concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity, or engaging in any other conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs;

- (b) Information from a reliable source indicating that a person being observed routinely distributes illegal drugs within the drug free zone;
- (c) Information from a reliable source indicating that the person being observed is currently engaging in illegal drug-related activity within the drug free zone;
- (d) Such person is physically identified by the officer as a member of a gang or association which engages in illegal drug activity;
- (e) Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, the phrase "a known unlawful drug user, possessor, or seller" means a person who has, within the knowledge of the arresting officer, been convicted in any court of any violation involving the use, possession, or distribution of any illegal drug; or is a person who displays physical characteristics of drug use, including, but not limited to, "needle tracks";
- (f) Such person has no other apparent lawful reason for congregating in the drug free zone, such as waiting for a bus or being near one's own residence; and
- (g) Any vehicle involved in the observed circumstances is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding arrest warrant for a crime involving drug-related activity.

§ 47C-5. Penalties.

Any person who violates § 47C-4 shall, upon conviction, be subject to a fine of not more than \$300 for a first offense, and for subsequent offenses to a fine of not more than \$300 or imprisonment for not more than 30 days, or both.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Item held in committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 440 And
Introductory No. 441
Re: Amendatory Agreements - 21st Century
Community Learning Centers Program

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation relating to the New York State 21st Century Community Learning Centers Program, RASA I and RASA II. Unspent balances of \$260,098 and \$149,389 (RASA II) have been released by the NY State Department of Education for reallocation. Also, \$113,275 (RASA I) will be appropriated for indirect expenses related to the program.

RASA I: The following legislation is proposed:

1. Authorize an amendatory agreement with the New York State Department of Education to accept additional amounts of \$260,098 for the operation of the RASA I program and appropriate said funds.
2. Authorize an agreement for \$12,000 with the Rochester City School District to hire a consultant to work with the Rochester After School Academy Program from January 1, 2005 through June 30, 2005.
3. Authorize an amendatory agreement with North East Area Development (NEAD) for \$5,018, bringing their total agreement to \$137,067. The additional funding will be used for student transportation.
4. Authorize an amendatory agreement with Coordinated Care Services for \$47,500, bringing their total agreement to \$167,425, to provide additional administrative services for the Parent University and Staff Support components of the Rochester After School Academy.
5. Amend Ordinance No. 2004-04 to decrease the budget of Monroe High School by \$11,500, from \$126,649 to \$115,149 to reduce administrative fees.
6. Amend the 2004-05 operating budget of the Department of Parks Recreation and Human Services with an increase of \$7,000.
7. Appropriate \$113,275 in indirect costs, originally authorized in Ordinance No. 2003-135, to be used for the life of the program.
8. Amend 2004-05 Cash Capital (Department of Parks, Recreation and Human Services) to include \$151,000 to be used for educational software.

RASA II: The following legislation is proposed:

1. Authorize an amendatory agreement with the NYS Department of Education to accept an additional amount of \$149,389 for the operation of the RASA II program and appropriate said funds.
2. Amend the 2004-05 Budget (Department of Parks Recreation and Human Services) with an increase of \$20,000 for program supplies at the Jefferson High School RASA II site.
3. Authorize an amendatory agreement with CFC/CYO for \$3,000 for student transportation. This brings their total contract to \$132,049.
4. Authorize an amendatory agreement with Coordinated Care Services for \$15,000 for support services. This brings their total contract to \$168,012.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 440

AUTHORIZING AMENDATORY APPLICATION AND AGREEMENTS RELATING TO THE ROCHESTER AFTER SCHOOL ACADEMY I PROGRAM AND AMENDING THE 2004-05 BUDGET

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit amendatory applications to and enter into amendatory agreements with the New York State Department of Education for additional funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy I (RASA-1) Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District in an amount not to exceed \$12,000 for assistance with the Rochester After School Academy I Program.

Section 3. The Mayor is hereby further authorized to enter into an amendatory agreement with North East Area Development in an amount not to exceed \$5,018 for student transportation for the Rochester After School Academy I Program.

Section 4. The Mayor is hereby further authorized to enter into an amendatory agreement with Coordinated Care Services, Inc. in an amount not to exceed \$47,500 for administrative services for the Rochester After School Academy I Program.

Section 5. Ordinance No. 2004-204, relating to the Rochester After School Academy I Program, is hereby amended by reducing the amount in Section 2 therein for the Monroe Middle School Program of the Bureau of Human Services by \$11,500, which amount is hereby reappropriated to fund the agreements authorized herein, indirect and administrative expenses.

Section 6. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$260,098, or so much thereof as may be necessary, to fund the agreements authorized herein, indirect and administrative expenses.

Section 7. There is hereby appropriated from additional New York 21st Century Community Learning Centers Program Funds the sum of \$113,275, or so much thereof as may be necessary, to fund indirect expenses of the Rochester After School Academy I Program.

Section 8. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$7,000, and to the Cash Capital Allocation by the sum of \$151,000, which amounts shall be funded from the appropriations made herein to fund the Rochester After School Academy I Program.

Section 9. The amendatory application and agreements shall contain such additional terms and condi-

tions as the Mayor deems to be appropriate.

Section 10. This ordinance shall take effect immediately.

Held in committee.

Introductory No. 441

AUTHORIZING AMENDATORY APPLICATION AND AGREEMENTS RELATING TO THE ROCHESTER AFTER SCHOOL ACADEMY II PROGRAM AND AMENDING THE 2004-05 BUDGET

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an amendatory application to and enter into an amendatory agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy II (RASA-2) Program.

Section 2. The Mayor is hereby further authorized to enter into amendatory agreements with the following organizations in the following amounts for projects under the Rochester After School Academy II Program:

Agency School/Agency Partner	Amount
Catholic Family Center - CYO	
John Marshall High School	\$ 3,000
Coordinated Care Services, Inc.	
Various School sites	15,000

Section 3. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$149,389, or so much thereof as may be necessary, to fund the agreements authorized herein, indirect and administrative expenses.

Section 4. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$20,000, which amount shall be funded from the appropriation made in Section 3 hereof.

Section 5. The amendatory application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Held in committee.

The meeting was adjourned at 8:50 P.M.

CAROLEE A. CONKLIN
City Clerk

**ITEMS HELD IN COMMITTEE
AS OF DECEMBER 31, 2004**

Held May 18, 2004

Int. No. 163 - Establishing Maximum Compensation For A Professional Services Agreement For Veterinary Services - Finance and Public Safety Committee

Held July 27, 2004

Int. No. 288 - Amending The Municipal Code With Respect To Peeling Paint - Housing and Economic Development Committee

Int. No. 289 - Amending The Municipal Code To Include 72-Hour Written Notice To Neighbors Before Onset Of Housing Renovations, Lead Abatement Work - Housing and Economic Development Committee

Int. No. 290 - Resolution Requesting The Mayor To Re-Open Negotiations With The Monroe County Executive Regarding Move-In Move-Out Inspections To Include Wipe Tests - Housing and Economic Development Committee

Held December 21, 2004

Int. No. 439 - Amending The Municipal Code To Provide For The Establishment Of Drug Free Zones - Finance and Public Safety Committee

Int. No. 440 - Authorizing Amendatory Application And Agreements Relating To The Rochester After School Academy I Program And Amending The 2004-05 Budget - Finance and Public Safety Committee

Int. No. 441 - Authorizing Amendatory Application And Agreements Relating To The Rochester After School Academy II Program And Amending The 2004-05 Budget - Finance and Public Safety Committee

INDEX 2004 ABBREVIATIONS

Acq. - Acquire, Acquisition	Incr. - Increase
Adpt. - Adopt	Indus. - Industrial
Agree. - Agreement	Int. - Introductory, Introduced
Amend. - Amending, Amendment	L.I.O. - Local Improvement Ordinance
Appl. - Application	L.L. - Local Law
Approp. - Appropriate, Appropriating	Lftd. - Lifted
Appt. - Appoint, Appointment	Litig. - Litigation
Arch. - Architect	Max. - Maximum
Assist. - Assistance	Mgr. - Manager
Auth. - Authorize	Mun. - Municipal
Bldg. - Building	NET - Neighborhood Empowerment Team
Cap. - Capital	Ofc. - Office
Cert. - Certified	Off. - Official
CHDO - Community Housing Development Organization	Ord. - Ordinance
Class. - Classification	Pav. - Pavement
Comm. - Commission, Committee, Community, Commercial	Pk. - Park
Comn. - Communication	Proj. - Project
Comp. - Compensation	Pssd. - Passed
Conserv. - Conservation	Pub. - Public
Constr. - Construction	Purch. - Purchase
Ctr. - Center	R2010 - <i>Rochester 2010: The Renaissance Plan</i>
Decr. - Decrease	R.E. - Real Estate
Dedica. - Dedicate	R.O.W. - Right-of-Way
Demon. - Demonstration	Rec. - Recreation
Designa. - Designate	Rej. - Reject
Dev. - Development	Renew. - Renewal
Erron. - Erroneous	Resi. - Residential
Est(s). - Estimate(s)	Reso. - Resolution
Ext. - Extension	Rev. - Revenue
Facil. - Facilities	Roch. - Rochester
FY - Fiscal Year	Svs. - Services
Gar. - Garage	Tbld. - Tabled
H.R. - Home Rule	Tr. - Transmittal
Hear. - Hearing	Var. - Various
	Wid. - Width
	Zon. - Zoning

108 RESERVE

Approving business programs, Tr. letter, 177, Pssd., 179

311/CALL REDUCTION

Establishing max. comp. for agree. for 311/Call Reduction Unit and amend. 2003-04 Budget, Tr. letter, 258, Held, 259, Pssd., 292

-A-

ABRAMS, NANCY E.

Establishing max. comp. for professional svcs. agree. for technical assistance in dev. of Civil Service examinations, Tr. letter, 109, Pssd., 110

ACADEMY FOR CAREER DEVELOPMENT

Auth. agree. for human svcs. proj., Tr. letter, 246, Pssd., 246

Auth. agree. for Communi-Tech Proj., Tr. letter, 270, Pssd., 270

ACHILLES STREET

L.I.O. - Areaway abandonment at 316 E. Main St. and repair at 60 Liberty Pole Way as part of Achilles St. Improvement Proj., Tr. letter, 25, Pub. hear., 5, Pssd., 27

ACTION FOR A BETTER COMMUNITY, INC.

Auth. lease agree. for North St. Community Ctr., Tr. letter, 69, Pssd., 69

Auth. agree. relating to 2004 Good Grades Pay Program, Tr. letter, 195, Held, 196; Tr. letter, 225, Pssd., 226

ADAMS STREET COMMUNITY CENTER

Auth. agree. for new playground at Adams St. Community Ctr. and amend. 2004-05 Budget, Tr. letter, 327, Pssd., 328

ADOLESCENT PREGNANCY PREVENTION SERVICES

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 16, Pssd., 16

Amend. Ord. No. 2004-12 relating to Adolescent Pregnancy Prevention Program, Tr. letter, 271, Pssd., 271

ADOPT-A-BLOCK PROGRAM

Auth. agree. for Adopt-A-Block Program, Tr. letter, 78, Pssd., 79

Auth. agree. for Adopt-A-Lot Program, approp. funds for Brown St. and amend. Ord. No. 2004-86 and 2003-04 Budget for Adopt-A-Block Program, Tr. letter, 99, Pssd., 100

ADOPT-A-LOT PROGRAM

Auth. agree. for Adopt-A-Lot Program, approp. funds for Brown St. and amend. Ord. No. 2004-86 and 2003-04 Budget for Adopt-A-Block Program, Tr. letter, 99, Pssd., 100

AGING IN PLACE PROJECT

Amend. 2002-03 Community Dev. Program by transferring fund to new acct. for Aging In Place Proj. and auth. agree., Tr. letter, 93, Pub. hear., 87, Pssd., 94

AGNELLO, NICK

Auth. agree. for public art at Fast Ferry Terminal, Tr. letter, 249, Pssd., 249

AIDS ROCHESTER, INC.

Auth. appl. and agree. relating to Housing Opportunities for Persons With Aids Program and amend. ord., Tr. letter, 68, Pssd., 69

ALARM PERMIT

Amend. Ord. No. 2002-201 and Mun. Code with respect to alarm user permit fees, Tr. letter, 33, Pssd., 34

ALEXANDER STREET

L.I.O. - Establishment of South/Alexander Open Space Special Assessment District, Tr. letter, 253, Pub. hear., 227, Returned to committee, 253, Pub. hear., 259, Pssd., 286

ALLRIGHT NEW YORK PARKING, INC.

Auth. agree. for operation of Washington Sq. Garage and Wadsworth Sq. Parking Lot, Tr. letter, 19, Pssd., 19

Auth. agree. for operation of South Ave. Parking Garage, Tr. letter, 80, Pssd., 82

ALTERNATIVES FOR BATTERED WOMEN

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

AMERICAN RED CROSS

Auth. agree. relating to 2004 Good Grades Pay Program, Tr. letter, 195, Held, 196; Tr. letter, 225, Pssd., 226

AMERICORPS

Establishing max. comp. for professional svcs. agree. with Monroe Community College for AmeriCorps Program, Tr. letter, 127, Pssd., 127

AMUSEMENT CENTERS

Amend. Ord. No. 2002-354 and Mun. Code with respect to amusement centers, Tr. letter, 33, Pssd., 35

ANIMAL CONTROL SHELTER

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 138, Held, 138

Establishing max. comp. for amend. professional svcs. agree. for veterinary svcs., Tr. letter, 350, Pssd., 350

ANIMALS

Amend. Chapter 59 of Mun. Code, Health and Sanitation, Tr. letter, 302, Pssd., 302

APPLIED GIS, INC.

Auth. agree. for Automated Vehicle Locator System Requirement Study, Tr. letter, 198, Pssd., 199

APPRAISAL SERVICES

Auth. agree. for appraisal svcs., Tr. letter, 257, Pssd., 257

ARBITRATION

Auth. amend. agree. for housing program arbitration svcs. and amend. Ord. No. 2003-25, Tr. letter, 67, Pssd., 68

ARNOLD PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

ART

Auth. agree. for public art at Fast Ferry Terminal, Tr. letter, 249, Pssd., 249

ASHER, SAM, COMPUTING SERVICES

Establishing max. comp. for professional svcs. agree. for 911 Center outbound telephone notification svcs., Tr. letter, 331, Pssd., 332

Establishing max. comp. for professional svcs. agree. for 911 Center outbound telephone notification svcs., Tr. letter, 331, Pssd., 332

ASSESSMENT

Determining and certifying adjusted base proportions, assessed value, and net changes in assessed value for 2004 assessment roll, Tr. letter, 137, Pssd., 137

Determining and certifying base proportions, current percentages, and base percentages for 2004 assessment roll, Tr. letter, 137, Pssd., 137

Confirming assessments, amounts and charges to be inserted in annual tax rolls for fiscal year commencing July 1, 2004 and expiring June 30, 2005, Tr. letter, 151, Pssd., 155

ASSET CONTROL AREA PROGRAM

Auth. agree. for Asset Control Area (ACA) Program, Tr. letter, 52, Held, 52, Pssd., 73

Auth. agree. for Asset Control Area Program, Tr. letter, 168, Pssd., 169

Amend. Asset Control Area Business Plan and auth. agree., Tr. letter, 357, Pssd., 358

ATLANTIC AVENUE

Establishing max. comp. for professional svcs. agree. for Atlantic Ave. Improvement Proj., Tr. letter, 82, Pssd., 82

AUDITORIUM THEATER

Amend. boundaries of Cultural District to include Auditorium Theater, Tr. letter, 7, Pssd., 8

AUGUSTINE, KARANJA

Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 182, Adpt., 182

AUTOMATED VEHICLE LOCATOR SYSTEM

Auth. agree. for Automated Vehicle Locator System Requirement Study, Tr. letter, 198, Pssd., 199

-B-

BADEN STREET SETTLEMENT, INC.

Approving applications, agree. and 2004 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 83, Pssd., 84

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

Auth. agree. relating to Roch. After School Academy Program, Tr. letter, 194, Pssd., 195

Auth. agree. relating to 2004 Good Grades Pay Program, Tr. letter, 195, Held, 196; Tr. letter, 225, Pssd., 226

Auth. agree. for Human Svcs. Programs, Tr. letter, 269, Pssd., 270

BARDEN HOMES

Approving additional developer for CityScape 2004 at Newcroft Park, Tr. letter, 43, Pssd., 44

BARTLETT STREET

Amend. Ord. No. 2002-368 relating to changes in pav. width of S. Plymouth Ave. and Bartlett St. and at intersection of S. Plymouth Ave. with Ford St. and Bartlett St., Tr. letter, 280, Pub. hear., 260, Pssd., 282

Abandonment of portion of Bartlett St., Tr. letter, 280, Pub. hear., 260, Pssd., 285

BASEBALL/SOFTBALL

Establishing max. comp. for professional svcs. agree. for Adult Softball Program and amend. 2003-04 Budget, Tr. letter, 15, Pssd., 16

Auth. grant agree. for athletic fields and amend. 2003-04 Budget, Tr. letter, 100, Pssd., 101

Auth. agree. for baseball field improvements and amend. 2003-04 Budget, Tr. letter, 197, Pssd., 198

Establishing max. comp. for amend. professional svcs. agree. for Adult Softball Program and amend. 2003-04 Budget, Tr. letter, 203, Pssd., 203

BASIC EMPLOYABILITY SKILLS TRAINING PROGRAM

Auth. agree. for BEST Program, Tr. letter, 246, Pssd., 247

BERGMANN ASSOCIATES

Establishing max. comp. for amend. professional svcs. agree. for W. Ridge Rd. Improvement Proj. and approp. funds, Tr. letter, 19, Pssd., 21

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. and approp. funds for West Ridge Rd. Improvement Proj., Tr. letter, 57, Pssd., 58

Auth. agree. and approp. funds for South Ave. Enhancement Proj., Tr. letter, 79, Pssd., 80

Establishing max. comp. for amend. agree. for supplemental environmental investigation - 1200 East Main St., Tr. letter, 199, Pssd., 200

Establishing max. comp. for professional svcs. agree. for W. Main St. Streetscape Proj., Tr. letter, 278, Pssd., 278

Auth. agree. for West Ridge Rd. Pub. Imp. Proj. and approp. funds, Tr. letter, 303, Pssd., 304

BEST PROGRAM

See "Basic Employability Skills Training Program"

BIRCH CRESCENT

Approving change in traffic flow and decrease in pav. width of Birch Crescent, Tr. letter, 131, Pub. hear., 112, Pssd., 132

Auth. acceptance of permanent easement for Birch Crescent Improvement Proj., Tr. letter, 131, Pssd., 132

BIZ KID\$

Approp. funds and auth. agree. for Biz Kid\$ Program, Tr. letter, 193, Pssd., 194

Auth. agree. for Biz Kid\$ & Beyond Program and amend. 2004-05 Budget, Tr. letter, 326, Pssd., 327

BLESSED SACRAMENT

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

BLOCK GRANT

Auth. appl. and agree. for Local Law Enforcement Block Grant Program, Tr. letter, 254, Pssd., 255

BLUE CROSS ARENA AT THE WAR MEMORIAL

Auth. agree. for harbor master and for War Memorial oversight and amend. 2004-05 Budget, Tr. letter, 249, Pssd., 250

BOARD OF STATIONARY ENGINEERS AND REFRIGERATION OPERATORS

Reso. approving appt. to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 115, Adpt., 116

BONDS OR NOTES

Bond ord. auth. issuance of \$120,000 bonds to finance costs of replacement of roof on Hudson Ave. Fire Facility, Tr. letter, 32, Pssd., 33

Bond ord. auth. issuance of \$17,532,000 bonds to finance cost of constr. and renovation of various public school bldgs., Tr. letter, 35, Pssd., 36

Bond ord. auth. issuance of \$1,300,000 bonds to finance add. cost of planning and implementing design of and constr. of new City Operations Center Bldg., Tr. letter, 54, Pssd., 55

Bond ord. auth. issuance of \$310,000 bonds to finance cost of planning and implementing design of structural improvements to South Ave. Parking Garage, Tr. letter, 55, Pssd., 57

Bond ord. auth. issuance of \$230,000 bonds to finance cost of certain police vehicles for Roch. Police Dept., Tr. letter, 85, Pssd., 86

Bond ord. auth. issuance of \$2,887,000 bonds to finance reconstruction of certain streets related to St. Improvement Program, Tr. letter, 101, Pssd., 102

Bond ord. auth. issuance of \$710,000 bonds to finance reconstruction of various water mains related to St. Improvement Program, Tr. letter, 101, Pssd., 102

Bond ord. auth. issuance of \$400,000 bonds to finance cost of Fourth and Peck Park, Farmington Park and Verona Playground Improvement Proj., Tr. letter, 103, Pssd., 104

Bond ord. auth. issuance of \$733,000 bonds to finance cost of upgrading computer system of Roch Police Dept., Tr. letter, 108, Pssd., 109

Bond ord. auth. issuance of \$650,000 bonds to finance cost of design and inspection of replacement of City water supply conduits, Tr. letter, 129, Pssd., 130

Bond ord. auth. issuance of \$85,000 bonds to finance add. cost of environmental clean-up at 1200 East Main St., Tr. letter, 199, Pssd., 201

Bond ord. auth. issuance of \$360,000 bonds to finance cost of implementing repairs to City Hall "A" Building, Tr. letter, 202, Pssd., 203

Bond ord. Auth. issuance of \$754,000 bonds to finance cost of certain street improvements related to Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 206

Bond ord. auth. issuance of \$582,000 bonds to finance reconstruction of various water mains related to Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 207

Bond ord. auth. issuance of \$71,000 bonds to finance cost of const. and reconstruction of certain sewer improvements related to Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 208

Bond ord. auth. issuance of \$891,000 bonds to finance cost of certain street improvements related to Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 210

Bond ord. auth. issuance of \$60,000 bonds to finance cost of const. and reconstruction of certain sewer improvements related to Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 210

Bond ord. auth. issuance of \$413,000 bonds to finance reconstruction of various water mains related to Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 212

Bond ord. auth. issuance of \$1,715,000 bonds to finance cost of certain street improvements related to West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 222

Bond ord. auth. issuance of \$200,000 bonds to

finance cost of const. and reconstruction of certain sewer improvements related to West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 223

Bond ord. auth. issuance of \$522,000 bonds to finance reconstruction of various water mains related to West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 224

Bond ord. auth. issuance of \$236,000 bonds to finance cost of acq. of realty within Cascade Urban Renewal Area, Tr. letter, 242, Held, 244, Pssd., 267

Bond ord. auth. issuance of \$264,900 bonds to finance cost of certain motorized equipment for City use, Tr. letter, 252, Pssd., 253

Bond ord. auth. issuance of \$70,000 bonds to finance add. cost of const. of street improvements in connection with Newcroft Subdivision Proj., Tr. letter, 262, Pssd., 264

Bond ord. auth. issuance of \$200,000 bonds to finance add. cost of const. and reconstruction of certain streets as part of Brooks Landing Street Improvements Proj., Tr. letter, 264, Pssd., 265

Bond ord. auth. issuance of \$530,000 bonds to finance cost of design and inspection of Cathodic Protection Program for City water supply conduits, Tr. letter, 272, Pssd., 274

Bond ord. auth. issuance of \$400,000 bonds to finance cost of replacement of City water supply conduits, Tr. letter, 272, Pssd., 274

Bond ord. auth. issuance of \$90,000 bonds to finance cost of design of certain street related improvements for W. Main St. Streetscape Proj., Tr. letter, 278, Pssd., 279

Bond ord. auth. issuance of \$1,600,000 bonds to finance cost of certain street improvements related to S. Plymouth Ave. Improvement Proj., Tr. letter, 280, Pssd., 283

Rev. Anticipation Note ord. delegating to Dir. of Finance powers to auth. issuance of \$50,000,000 rev. anticipation notes, or so much thereof as may be necessary, in anticipation of receipt of certain rev. for fiscal year ending June 30, 2005, and to prescribe terms, form and contents, and provide for sale of such notes, Tr. letter, 291, Pssd., 292

Bond ord. auth. issuance of \$715,000 bonds to finance cost of certain st.imps. related to West Ridge Rd. Pub. Imp. Proj., Tr. letter, 303, Pssd., 305

Bond ord. auth. issuance of \$436,000 bonds to finance reconstruction of various water mains related to West Ridge Rd. Pub. Imp. Proj., Tr. letter, 303, Pssd., 306

Bond ord. auth. issuance of \$6,100,000 bonds to finance cost of certainimps. for River St. Waterfront Pub. Imp. Proj., Tr. letter, 306, Pssd. 308

Bond ord. auth. issuance of \$70,000 bonds to finance cost of acq. of land and easements for const. of portion of Genesee Riverway Trail from Turning Point Park to Petten st., Tr. letter 346, Pssd., 348

Bond ord. auth. issuance of \$940,000 bonds to finance additional cost of environmental clean-up at Bureau of Water & Lighting site at 10 Felix St., Tr. letter, 369, Pssd., 371

BOULEVARD PARKWAY

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

BOYS AND GIRLS CLUB OF ROCHESTER

Auth. agree. relating to Roch. After School Academy Program, Tr. letter, 194, Pssd., 195

BRIDGES

Establishing max. comp. for amend. professional svcs. agree. for Elmwood Ave. Bridge rehab. proj.,

approp. funds and amend. 2004-05 Budget, Tr. letter, 345, Pssd., 346

BRIGGS AND STRATTON

Auth. agree. for baseball field improvements and amend. 2003-04 Budget, Tr. letter, 197, Pssd., 198

BROOKLYN SPORTS MANAGEMENT

Establishing max. comp. for professional svcs. agree. for Adult Softball Program and amend. 2003-04 Budget, Tr. letter, 15, Pssd., 16
Establishing max. comp. for amend. professional svcs. agree. for Adult Softball Program and amend. 2003-04 Budget, Tr. letter, 203, Pssd., 203

BROOKS LANDING

Approving sale of 923-925 and 927 Genesee St. in Brooks Landing Urban Renewal Proj., Tr. letter, 44, Pssd., 45
Approval of lease to Roch. Riverfront Properties, L.P. of Sub-Area I in Brooks Landing Urban Renewal Proj., Tr. letter, 51, Pub. hear., 36, Held, 52
Bond ord. auth. issuance of \$200,000 bonds to finance add. cost of const. and reconstruction of certain streets as part of Brooks Landing Street Improvements Proj., Tr. letter, 264, Pssd., 265
Auth. agree. with Sector 4 Community Dev. Corp. for Sector Targeted Funding Initiative Program, Tr. letter, 297, Pssd., 298

BROWN STREET

Auth. agree. for Adopt-A-Lot Program, approp. funds for Brown St. and amend. Ord. No. 2004-86 and 2003-04 Budget for Adopt-A-Block Program, Tr. letter, 99, Pssd., 100

BROWNFIELDS

Auth. NYS Brownfields Opportunity Areas Grant Program application and agree., Tr. letter, 201, Pssd., 201
Auth. agree. for Brownfield Assistance Program, Tr. letter, 248, Pssd., 249
Auth. agree. for brownfield svcs. at 935 West Broad St., Tr. letter, 328, Pssd., 329
Auth. agree. for brownfield svcs. at 399 Gregory St., Tr. letter, 329, Pssd., 330

BUDGET, 2003-04

Auth. amend. agree. relating to Roch. After School Academy Program and amend. 2003-04 Budget, Tr. letter, 14, Pssd., 14
Establishing max. comp. for professional svcs. agree. for Adult Softball Program and amend. 2003-04 Budget, Tr. letter, 15, Pssd., 16
Establishing max. comp. for agree. for columbarium unit and amend. 2003-04 Budget, Tr. letter, 22, Pssd., 22
Approving participation in Greater Roch. Area Narcotics Team and amend. 2003-04 Budget by approp. forfeiture funds, Tr. letter, 32, Pssd., 32
Amend. 2003-04 Budget of Roch. Public Library, Tr. letter, 41, Pssd., 42
Approving lease of 923-927 Genesee St. for NET Office and amend. 2003-04 Budget, Tr. letter, 44, Pssd., 44
Auth. agree. for fuel storage system facilities at Fast Ferry Terminal and amend. 2003-04 Budget, Tr. letter, 58, Pssd., 59
Auth. grant agree. and amend. 2003-04 Budget of Roch. Fire Dept., Tr. letter, 64, Pssd., 64
Establishing max. comp. for amend. professional svcs. agree. for Homicide Prevention Study and amend. 2003-04 Budget, Tr. letter, 64, Pssd., 65
Auth. agree. for Clarissa St. Reunion and amend.

2003-04 Budget, Tr. letter, 74, Pssd., 75

Auth. agree. and amend. 2003-04 Budget of Dept. of Parks, Rec. and Human Svcs., Tr. letter, 75, Pssd., 75

Auth. appl. and agree. for Motor Vehicle Theft & Insurance Fraud Prevention Program and amend. 2003-04 Budget, Tr. letter, 84, Pssd., 85

Amend. 2003-04 Budget by approp. forfeiture funds, Tr. letter, 85, Pssd., 85

Establishing Police foot and bike patrol detail for drug trafficking and homicide prevention and amend. 2003-04 Budget, Tr. letter, 86, Failed, 87

Amend. 2003-04 Budget for Roch. Riverside Convention Ctr. Improvement, Tr. letter, 93, Pssd., 93

Approp. funds and amend. 2003-04 Budget for Locust Hill Country Club Youth Caddie Program, Tr. letter, 96, Pssd., 97

Auth. appl. and agree. relating to Roch. After School Academy II Program and amend. 2003-04 Budget, Tr. letter, 98, Pssd., 99

Auth. agree. for Adopt-A-Lot Program, approp. funds for Brown St. and amend. Ord. No. 2004-86 and 2003-04 Budget for Adopt-A-Block Program, Tr. letter, 99, Pssd., 100

Auth. grant agree. for athletic fields and amend. 2003-04 Budget, Tr. letter, 100, Pssd., 101

Auth. amend. agree. for pilot drug control proj., approp. funds and amend. 2003-04 Budget, Tr. letter, 110, Pssd., 111

Auth. appl. and agree. for Motor Vehicle Theft & Insurance Fraud Prevention Program and amend. 2003-04 Budget, Tr. letter, 133, Pssd., 134

Auth. agree. for baseball field improvements and amend. 2003-04 Budget, Tr. letter, 197, Pssd., 198

Auth. applications and agree. for Urban Forestry Management Plan and amend. 2003-04 Budget, Tr. letter, 201, Pssd., 202

Establishing max. comp. for amend. professional svcs. agree. for Adult Softball Program and amend. 2003-04 Budget, Tr. letter, 203, Pssd., 203

Establishing max. comp. for agree. for 311/Call Reduction Unit and amend. 2003-04 Budget, Tr. letter, 258, Held, 259, Pssd., 292

Amend. 2003-04 Budget, Tr. letter, 291, Pssd., 291

BUDGET, 2004-05

Pub. hear., 139

Amend. proposed 2004-05 Budget in regard to resources for Community Library - \$51,600, Tr. letter, 145, Pssd., 146

Amend. proposed 2004-05 Budget in regard to add. police recruits - \$137,500, Tr. letter, 146, Pssd., 147

Amend. proposed 2004-05 Budget in regard to dev. of Violence Against Women Ad Campaign - \$5,000, Tr. letter, 147, Pssd., 147

Amend. proposed 2004-05 Budget in regard to Roch. Recreation Swim Team - \$13,500, Tr. letter, 147, Pssd., 147

Amend. proposed 2004-05 Budget in regard to Wordcrafters Program - \$17,100, Tr. letter, 148, Pssd., 148

Amend. proposed 2004-05 Budget in regard to Roch. Philharmonic Orchestra - \$25,000, Tr. letter, 148, Pssd., 148

Amend. proposed 2004-05 Budget in regard to Maplewood Rose Festival - \$7,600, Tr. letter, 148, Pssd., 149

Amend. proposed 2004-05 Budget in regard to neighborhood block parties and clean-ups - \$10,500, Tr. letter, 149, Pssd., 149

Amend. proposed 2004-05 Budget in regard to industrial dev. - \$20,000, Tr. letter, 149, Pssd.,

150

Amend. proposed 2004-05 Budget in regard to budget of the Administration (NET) - \$163,500, Tr. letter, 150, Pssd., 150

Amend. proposed 2004-05 Budget in regard to transfers to Contingency Account - \$3,600,000, Tr. letter, 150, Failed in committee, 150

Adpt. of budget estimates for municipal purposes for 2004-05 fiscal year, approp. of sums set forth therein and approving commercial refuse fees, Tr. letter, 151, Pssd., 155

Adpt. of budget estimates for school purposes for fiscal year commencing July 1, 2004 and expiring June 30, 2005, and approp. of sums set forth therein, Tr. letter, 151, Pssd., 156

Amend. proposed 2004-05 Budget of the City School District - \$3,600,000, Tr. letter, 164, Failed in Committee, 164

Amend. proposed 2004-05 Budget of the City School District - \$1,200,000, Tr. letter, 164, Failed in Committee, 165

Auth. agree. for harbor master and for War Memorial oversight and amend. 2004-05 Budget, Tr. letter, 249, Pssd., 250

Auth. agree. for pilot drug control proj. and amend. 2004-05 Budget, Tr. letter, 255, Pssd., 255

Auth. agree. with respect to impaired driving and amend. 2004-05 Budget, Tr. letter, 256, Pssd., 256

Auth. agree. with respect to reducing youth violence and amend. 2004-05 Budget, Tr. letter, 288, Pssd., 288

Auth. agree. with respect to records management and amend. 2004-05 Budget, Tr. letter, 289, Pssd., 289

Auth. agree. with respect to records retention analysis and amend. 2004-05 Budget, Tr. letter, 289, Pssd., 290

Approving East Side Police Section lease and amend. 2004-05 Budget, Tr. letter, 311, Pssd., 312

Auth. Police grant agree. or extensions and amend. 2004-05 Budget, Tr. letter, 312, Pssd., 313

Approving participation in Greater Roch. Area Narcotics Team and amend. 2004-05 Budget by approp. forfeiture funds, Tr. letter, 313, Pssd., 314

Amend. 2004-05 Budget with respect to Youth Violence Strike Force, Tr. letter, 315, Pssd., 315

Auth. agree. for Biz Kid\$ & Beyond Program and amend. 2004-05 Budget, Tr. letter, 326, Pssd., 327

Establishing max. comp. for agree. for 2005 MusicFest and amend. 2004-05 Budget, Tr. letter, 343, Pssd., 344

Establishing max. comp. for amend. professional svcs. agree. for Elmwood Ave. Bridge rehab. proj., approp. funds and amend. 2004-05 Budget, Tr. letter, 345, Pssd., 346

Amend. 2004-05 Budget of Roch. Fire Dept., Tr. letter, 349, Pssd., 349

Auth. agree. for drug enforcement demonstration program and amend. 2004-05 Budget of Roch. Police Dept., Tr. letter, 351, Pssd., 351

Approp. funds, auth. agree. and amend. 2004-05 Budget for lead-based paint hazard control programs, Tr. letter, 358, Pssd., 360

Amend. 2004-05 Budget with respect to ice hockey officials, Tr. letter, 364, Pssd., 365

Amend. 2004-05 Budget with respect to City Court renovations, Tr. letter, 367, Pssd., 367

Auth. agree. for pilot drug control proj. and amend. 2004-05 Budget, Tr. letter, 376, Pssd., 377

Auth. amend. appl. and agree. relating to Roch.

After School Academy I Program and amend. 2004-05 Budget, Tr. letter, 382, Held, 383

Auth. amend. appl. and agree. relating to Roch. After School Academy II Program and amend. 2004-05 Budget, Tr. letter, 283, Held, 383

BURKE TERRACE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

BURTON, NANCY H.

Establishing max. comp. for amend. professional svcs. agree. for deign of Fast Ferry Terminal and Facilities, Tr. letter, 27, Pssd., 28

BUSINESS ASSISTANCE PROGRAM

Approving business programs, Tr. letter, 177, Pssd., 179

BUSINESS ASSOCIATION SUPPORT PROGRAM

Approving business programs, Tr. letter, 177, Pssd., 179

BUSINESS CERTIFICATES OF USE

Amend. Chapter 90 of Mun. Code with respect to business certificates of use, Tr. letter, 122, Held, 126

Amend. Chapter 90 of Mun. Code with respect to business certificates of use and electrical requirements, Tr. letter, 337, Pssd., 341

BUSINESS PROGRAMS

Approving business programs, Tr. letter, 177, Pssd., 179

BYRON STREET

Reso. in support of appl. for funding for tree plantings along Byron St. and South Ave., Tr. letter, 79, Adpt., 80

-C-

CSX TRANSPORTATION INC.

Auth. agree. for Lexington Ave. Pub. Imp. Proj., Tr. letter, 306, Pssd., 306

CALVARY SAINT ANDREWS PARISH

Auth. agree. for Adopt-A-Block Program, Tr. letter, 78, Pssd., 79

CAMERON COMMUNITY MINISTRIES

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

Auth. agree. for Human Svcs. Proj., Tr. letter, 126, Pssd., 127

Amend. Ord. No. 2004-12 relating to Adolescent Pregnancy Prevention Program, Tr. letter, 271, Pssd., 271

CAMEROTA, EUGENE R.

Establishing max. comp. for professional svcs. agree. for litigation svcs., Tr. letter, 256, Pssd., 257

CAMPBELL STREET

Accepting donation of real estate, Tr. letter, 166, Pssd., 167

CANADIAN AMERICAN TRANSPORTATION SYSTEMS

Auth. agree. for fuel storage system facilities at Fast Ferry Terminal and amend. 2003-04 Budget, Tr. letter, 58, Pssd., 59

CANADICE, TOWN OF

Granting easement in Town of Canadice, Tr. letter, 328, Pssd., 328

CANARY STREET

Approving changes in traffic flow on Canary St., Lark St., Holmes St., Oriole St. and Finch St. and increase in pav. width of Lark St., Tr. letter, 22, Pub. hear., 5, Pssd., 24

CAREER SYSTEMS DEVELOPMENT

Auth. agree. for BEST Program, Tr. letter, 246, Pssd., 247

CAREY, WILLIAM H.

Reso. approving appt. to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 115, Adpt., 116

CARTHAGE DRIVE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

CASCADE AREA URBAN RENEWAL DISTRICT

Auth. acq. by negotiation or condemnation of 64 North Washington St. to further Cascade Area Urban Renewal Plan, Tr. letter, 242, Pub. hear., 227, Held, 243, Pssd., 267

Auth. sale of 64 and 70 North Washington St. to further Cascade Area Urban Renewal Plan, Tr. letter, 242, Held, 243, Pssd., 267

Bond ord. auth. issuance of \$236,000 bonds to finance cost of acq. of realty within Cascade Urban Renewal Area, Tr. letter, 242, Held, 244, Pssd., 267

CASCADE HISTORIC DISTRICT

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 104, Pub. hear., 88, Pssd., 104

L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 106, Pub. hear., 88, Pssd., 106

CASINO

Establishing max. comp. for professional svcs. agree. for legal consultation svcs., Tr. letter, 315, Pssd., 316

CATHERINE MCAULEY HOUSING

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

CATHOLIC CHARITIES, INC.

Auth. appl. and agree. relating to Housing Opportunities for Persons With Aids Program and amend. ord., Tr. letter, 68, Pssd., 69

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

CATHOLIC FAMILY CENTER

Auth. appl. and agree. relating to Roch. After School Academy II Program and amend. 2003-04 Budget, Tr. letter, 98, Pssd., 99

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

Auth. agree. relating to 2004 Good Grades Pay Program, Tr. letter, 195, Held, 196; Tr. letter, 225, Pssd., 226

Auth. amend. appl. and agree. relating to Roch. After School Academy II Program and amend. 2004-05 Budget, Tr. letter, 283, Held, 383

CEMETERIES

Establishing max. comp. for agree. for columbarium unit and amend. 2003-04 Budget, Tr. letter, 22, Pssd., 22

CENTER FOR DISPUTE SETTLEMENT, INC.

Auth. amend. agree. for housing program arbitration svcs. and amend. Ord. No. 2003-25, Tr. letter, 67, Pssd., 68

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 143, Pssd., 144

Approp. funds for housing program arbitration svcs., Tr. letter, 231, Pssd., 231

CENTER FOR GOVERNMENTAL RESEARCH, INC.

Establishing max. comp. for amend. professional svcs. agree. for Police-Community Relationships Study, Tr. letter, 31, Pssd., 31

Auth. agree. with respect to records retention analysis and amend. 2004-05 Budget, Tr. letter, 289, Pssd., 290

CENTER FOR YOUTH SERVICES

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

Auth. agree. for housing dev. support, Tr. letter, 172, Pssd., 173

Auth. agree. for Human Svcs. Proj., Tr. letter, 342, Pssd., 343

CENTER STREET SMOKEHOUSE, INC.

Auth. sale of 56 Stutson St., Tr. letter, 191, Held, 191, Pssd., 268

CENTRAL PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

Auth. loan agree. for apartments at 271 Central Park and amend. Ord. No. 2004-7, Tr. letter, 90, Pssd., 91

CENTRAL PARKING CORPORATION

Auth. agree. for operation of High Falls Parking Garage, Tr. letter, 309, Pssd., 309

CEPHAS ATTICA

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

CHARLES SETTLEMENT HOUSE

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 16, Pssd., 16

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

CHILD CARE REFERRAL SERVICES

Establishing max. comp. for professional svcs. agree. for child care referral svcs., Tr. letter, 142, Pssd., 142

CHILD CARE COUNCIL

Establishing max. comp. for professional svcs. agree. for child care referral svcs., Tr. letter, 142, Pssd., 142

CHILDREN'S INSTITUTE

Auth. agree. for Safe Kids Proj., Tr. letter, 143, Pssd., 143

CHILI AVENUE

Approving lease of 578 Chili Ave., Tr. letter, 262, Pssd., 262

CITIZEN COMPLAINT SERVICES

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 143, Pssd., 144

CITY CHARTER

Local Law amend. City Charter with respect to conflicts of interest, Tr. letter, 33, Pssd., 34

Local Law amend. City Charter with respect to allocation of funding between City and City School District, Tr. letter, 139, Pssd., 140

Local Law amend. City Charter with respect to fees for foreclosure, Tr. letter, 151, Pssd., 163

CITY CLERK

Reso. for selection and appt. of City Clerk, Adpt., 1

Amend. Mun. Code with respect to fees of City Clerk, Tr. letter, 151, Pssd., 163

CITY COURT

Amend. 2004-05 Budget with respect to City Court renovations, Tr. letter, 367, Pssd., 367

CITY DEVELOPMENT FUND

Approp. of funds for City Development Fund, Tr. letter, 121, Pssd., 122

CITY ENGINEER

Amend. Mun. Code with respect to fees from the City Engineer, Tr. letter, 151, Pssd., 161

CITY HALL

Bond ord. auth. issuance of \$360,000 bonds to finance cost of implementing repairs to City Hall "A" Building, Tr. letter, 202, Pssd., 203

CITY NEWSPAPER

Designating official newspapers of City of Roch. for years 2004-05, Pssd., 4

CITY PLANNING COMMISSION

Reso. approving reappointment to City Planning Commission, Tr. letter, 41, Adpt., 41

Reso. approving appt. to City Planning Commission, Tr. letter, 182, Adpt., 183

CITY SCHOOL DISTRICT

Bond ord. auth. issuance of \$17,532,000 bonds to finance cost of constr. and renovation of various public school bldgs., Tr. letter, 35, Pssd., 36

Auth. amend. 2002-03 and 2003-04 Community Dev. Program Plans, approp. funds for School #34 Tutoring Program and amend. Ord. No. 2003-10, Tr. letter, 75, Pub. hear., 65, Pssd., 76

Auth. receipt of funds for In-School Youth Violence Prevention, Tr. letter, 83, Pssd., 83

Auth. appl. and agree. for 2004 Summer Food Service Program for Children, Tr. letter, 97, Pssd., 97

Local Law amend. City Charter with respect to allocation of funding between City and City School District, Tr. letter, 139, Pssd., 140

Adpt. of budget estimates for school purposes for fiscal year commencing July 1, 2004 and expiring June 30, 2005, and approp. of sums set forth therein, Tr. letter, 151, Pssd., 156

Levying taxes for school purposes for fiscal year commencing July 1, 2004 and expiring June

30, 2005, Tr. letter, 151, Pssd., 156

Amend. proposed 2004-05 Budget of the City School District - \$3,600,000, Tr. letter, 164, Failed in Committee, 164

Amend. proposed 2004-05 Budget of the City School District - \$1,200,000, Tr. letter, 164, Failed in Committee, 165

Auth. agree. relating to 2004 Good Grades Pay Program, Tr. letter, 195, Held, 196; Tr. letter, 225, Pssd., 226

Auth. agree. and approp. funds for Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 206

Auth. amend. agree. for RASA Program, Tr. letter, 257, Pssd., 258

Amend Ord. No. 2004-232 relating to Good Grades Pay Program, Tr. letter, 286, Pssd., 286

Rev. Anticipation Note ord. delegating to Dir. of Finance powers to auth. issuance of \$50,000,000 rev. anticipation notes, or so much thereof as may be necessary, in anticipation of receipt of certain rev. for fiscal year ending June 30, 2005, and to prescribe terms, form and contents, and provide for sale of such notes, Tr. letter, 291, Pssd., 292

Auth. property exchange for parking for Enrico Fermi School No. 17, Tr. letter, 318, Pssd., 319

Approp. funds for School #34 tutoring program, Tr. letter, 332, Pssd., 332

Auth. amend. appl. and agree. relating to Roch. After School Academy I Program and amend. 2004-05 Budget, Tr. letter, 382, Held, 383

CITYSCAPE

Approving additional developer for CityScape 2004 at Newcroft Park, Tr. letter, 43, Pssd., 44

CIVIL SERVICE

Establishing max. comp. for professional svcs. agree. for technical assistance in dev. of Civil Service examinations, Tr. letter, 109, Pssd., 110

Reso. approving reappointments to Civil Service Commission of City of Roch., Tr. letter, 145, Adpt., 145

CLARISSA STREET REUNION

Auth. agree. for Clarissa St. Reunion and amend. 2003-04 Budget, Tr. letter, 74, Pssd., 75

CLEARY, KEVIN, GOVERNMENT RELATIONS, LLC

Establishing max. comp. for professional svcs. agree. for state lobbying svcs., Tr. letter, 134, Pssd., 134; Tr. letter, 379, Pssd., 379

CLIFFORD AVENUE

Changing zoning class. of 869 North Clinton Ave. and 355 Clifford Ave. from R-1 Low Density Residential and 873-877 and 885-891 North Clinton Ave. from C-2 Community Ctr. to Planned Development District #5-St. Michael's, Tr. letter, 49, Pub. hear., 36, Pssd., 51

COALITION OF NORTHEAST ASSOCIATIONS

Auth. agree. for Adopt-A-Block Program, Tr. letter, 78, Pssd., 79

Auth. agree. for Adopt-A-Lot Program, approp. funds for Brown St. and amend. Ord. No. 2004-86 and 2003-04 Budget for Adopt-A-Block Program, Tr. letter, 99, Pssd., 100

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

COLLECTIONS

Auth. collections agree. for Parking Violations

Bur. and Mun. Code Violations Bur., Tr. letter, 349, Pssd., 350

COLLISION REPAIR SERVICES

Auth. agree. for collision repair svcs., Tr. letter, 78, Pssd., 78

COLUMBIA AVENUE

Auth. changes in pav. width of Columbia Ave. and Jefferson Ave. as part of Columbia Ave. Improvement Proj., Tr. letter, 62, Pub. hear., 37, Pssd., 62

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 209

Bond ord. auth. issuance of \$891,000 bonds to finance cost of certain street improvements related to Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 210

Bond ord. auth. issuance of \$60,000 bonds to finance cost of const. and reconstruction of certain sewer improvements related to Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 210

Bond ord. auth. issuance of \$413,000 bonds to finance reconstruction of various water mains related to Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 212

COMMERCIAL EXTERIOR IMPROVEMENT PROGRAM

Approving business programs, Tr. letter, 177, Pssd., 179

COMMISSIONER OF DEEDS

Reso. establishing max. number of Commissioners of Deeds, Tr. letter, 378, Adpt., 378

COMMUNI-TECH PROJECT

Auth. agree. for Communi-Tech Proj., Tr. letter, 270, Pssd., 270

COMMUNITY CHOICE/FAIR HOUSING

Approp. funds for Community Choice/Fair Housing website, Tr. letter, 230, Pssd., 231

Auth. agree. for fair housing lending monitoring svcs., Tr. letter, 319, Pssd., 319

COMMUNITY DEVELOPMENT PROGRAM, 1995-96

Amend. 1995-96, 1996-97, 1997-98 and 2001-02 Community Dev. Programs by transferring funds within the Promoting Economic Stability allocations, amend. ord., auth. agree. and approp. funds, Tr. letter, 191, Pub. hear., 141, Held, 192, Pssd., 245

Amend. 1995-96, 1996-97 and 1997-98 Community Dev. Programs by transferring funds within the Promoting Economic Stability allocations, amend. ord., auth. agree. and approp. funds, Tr. letter, 191, Pub. hear., 141, Held, 245, Pub. hear., 260, Pssd., 268

COMMUNITY DEVELOPMENT PROGRAM, 1996-97

Amend. 1995-96, 1996-97, 1997-98 and 2001-02 Community Dev. Programs by transferring funds within the Promoting Economic Stability allocations, amend. ord., auth. agree. and approp. funds, Tr. letter, 191, Pub. hear., 141, Held, 192, Pssd., 245

Amend. 1995-96, 1996-97 and 1997-98 Community Dev. Programs by transferring funds within the Promoting Economic Stability allocations, amend. ord., auth. agree. and approp. funds, Tr. letter, 191, Pub. hear., 141, Held, 245, Pub. hear., 260, Pssd., 268

260, Pssd., 268

COMMUNITY DEVELOPMENT PROGRAM, 1997-98

Amend. 1995-96, 1996-97, 1997-98 and 2001-02 Community Dev. Programs by transferring funds within the Promoting Economic Stability allocations, amend. ord., auth. agree. and approp. funds, Tr. letter, 191, Pub. hear., 141, Held, 192, Pssd., 245

Amend. 1995-96, 1996-97 and 1997-98 Community Dev. Programs by transferring funds within the Promoting Economic Stability allocations, amend. ord., auth. agree. and approp. funds, Tr. letter, 191, Pub. hear., 141, Held, 245, Pub. hear., 260, Pssd., 268

COMMUNITY DEVELOPMENT PROGRAM, 2000-01

Amend. 2000-01, 2002-03 and 2003-04 Community Dev. Programs by transferring funds and auth. agree. for mortgage default resolution svcs., Tr. letter, 233, Pub. hear., 227, Pssd., 234

COMMUNITY DEVELOPMENT PROGRAM, 2001-02

Amend. 1995-96, 1996-97, 1997-98 and 2001-02 Community Dev. Programs by transferring funds within the Promoting Economic Stability allocations, amend. ord., auth. agree. and approp. funds, Tr. letter, 191, Pub. hear., 141, Held, 192, Pssd., 245

COMMUNITY DEVELOPMENT PROGRAM, 2002-03

Auth. amend. 2002-03 and 2003-04 Community Dev. Program Plans, approp. funds for School #34 Tutoring Program and amend. Ord. No. 2003-10, Tr. letter, 75, Pub. hear., 65, Pssd., 76

Amend. 2002-03 Community Dev. Program by transferring fund to new acct. for Aging In Place Proj. and auth. agree., Tr. letter, 93, Pub. hear., 87, Pssd., 94

Amend. 2000-01, 2002-03 and 2003-04 Community Dev. Programs by transferring funds and auth. agree. for mortgage default resolution svcs., Tr. letter, 233, Pub. hear., 227, Pssd., 234

COMMUNITY DEVELOPMENT PROGRAM, 2003-04

Auth. amend. 2003-04 Community Dev. Program Plan and agree. for float loan for Elmgrove Place Proj., Tr. letter, 11, Pub. hear., 5, Pssd., 12

Amend. 2003-04 Community Dev. Program by transferring funds to Job Creation/Youth Dev. Account, Tr. letter, 17, Pub. hear., 5, Pssd., 17

Auth. amend. 2002-03 and 2003-04 Community Dev. Program Plans, approp. funds for School #34 Tutoring Program and amend. Ord. No. 2003-10, Tr. letter, 75, Pub. hear., 65, Pssd., 76

Amend. 2003-04 Community Dev. Program by transferring funds to Job Creation/Youth Dev. Account, Tr. letter, 75, Pub. hear., 65, Pssd., 77

Amend. 2000-01, 2002-03 and 2003-04 Community Dev. Programs by transferring funds and auth. agree. for mortgage default resolution svcs., Tr. letter, 233, Pub. hear., 227, Pssd., 234

COMMUNITY DEVELOPMENT PROGRAM, 2004-05

Amend. 2004-05 Community Dev. Program by transferring funds and auth. agree. for Huther-Doyle Drug Prevention Program, Tr. letter, 362, Pub. hear., 353, Pssd., 362

COMMUNITY PLACE

Auth. appl. and agree. relating to Roch. After School Academy II Program and amend. 2003-04 Budget, Tr. letter, 98, Pssd., 99

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

Auth. agree. relating to 2004 Good Grades Pay Program, Tr. letter, 195, Held, 196; Tr. letter, 225, Pssd., 226

COMMUNITY TECHNOLOGY CENTER

Auth. agree. for Community Technology Ctr., Tr. letter, 75, Pssd., 76

COMPUTERS

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr., Tr. letter, 63, Pssd., 64

Bond ord. auth. issuance of \$733,000 bonds to finance cost of upgrading computer system of Roch Police Dept., Tr. letter, 108, Pssd., 109

Establishing max. comp. for professional svcs. agree. for modifications to the Police Records System, Tr. letter, 256, Pssd., 256

Establishing max. comp. for agree. for 311/Call Reduction Unit and amend. 2003-04 Budget, Tr. letter, 258, Held, 259, Pssd., 292

Establishing max. comp. for professional svcs. agree. for database training, Tr. letter, 288, Pssd., 289

CONCERTS

See "Music"

CONFLICT OF INTEREST

Local Law amend. City Charter with respect to conflicts of interest, Tr. letter, 33, Pssd., 34

CONIFER REALTY, LLC

Auth. Memorandum of Understanding for Genesee Commons Redevelopment Proj., Tr. letter, 73, Pssd., 74

CONKLIN, CAROLEE A.

Reso. for selection and appt. of City Clerk, Adpt., 1

CONSOLIDATED COMMUNITY DEVELOPMENT

Approving Consolidated Community Dev. Plan/2004-05 Annual Action Plan, Tr. letter, 121, Pub. hear., 112, Pssd., 122

Auth. submission of Consolidated Community Dev. Plan/2004-05 Action Plan and execution of grant agreement with U.S. Dept. of Housing and Urban Dev., Tr. letter, 121, Pub. hear., 112, Pssd., 122

Approp. of funds for City Development Fund, Tr. letter, 121, Pssd., 122

CONTE, DANIEL

Reso. approving appt. to Electrical Examining Board, Tr. letter, 267, Adpt., 268

CONTEXT TECHNOLOGIES, INC.

Resolution approving relocation to Monroe County Empire Zone, Tr. letter, 46, Pub. hear., 36, Adpt., 47

COORDINATED CARE SERVICES, INC.

Auth. amend. agree. relating to Roch. After School Academy Program and amend. 2003-04 Budget, Tr. letter, 14, Pssd., 14

Auth. appl. and agree. relating to Roch. After School Academy II Program and amend. 2003-04

Budget, Tr. letter, 98, Pssd., 99

Approp. funds and auth. agree. for Biz Kid\$ Program, Tr. letter, 193, Pssd., 194

Auth. agree. relating to Roch. After School Academy Program, Tr. letter, 194, Pssd., 195

Auth. amend. appl. and agree. relating to Roch. After School Academy I Program and amend. 2004-05 Budget, Tr. letter, 382, Held, 383

Auth. amend. appl. and agree. relating to Roch. After School Academy II Program and amend. 2004-05 Budget, Tr. letter, 283, Held, 383

CORNELES ENGINEERING, P.C.

Establishing max. comp. for professional svcs. agree. for construction resident proj. representation svcs., Tr. letter, 276, Pssd., 277

CORNELL COOPERATIVE EXTENSION OF MONROE COUNTY

Auth. agree. for housing dev. support, Tr. letter, 172, Pssd., 173

Auth. agree. for Human Svcs. Proj., Tr. letter, 342, Pssd., 343

CORPORATION COUNSEL, COMMUNICATIONS FROM

Settlement of tax assessment proceedings, 5; 65; 112; 259; 316; 333

CORRIGAN STREET

Naming of new streets previously dedicated at Port of Rochester by Ord. No. 2002-136 as Corrigan St., N. River St. and Portside Dr., Tr. letter, 27, Pub. hear., 5, Pssd., 29

COSTA & ASSOCIATES

Establishing max. comp. for amend. professional svcs. agree. for Homicide Prevention Study and amend. 2003-04 Budget, Tr. letter, 64, Pssd., 65

COUNCIL MEETINGS

Organization meeting, Held, 1, Adj., 4
Regular meeting, Held, 4, Adj., 36; Held, 36, Adj., 65; Held, 65, Adj., 87; Held, 87, Adj., 112; Held, 112, Adj., 139; Held, 140, Adj., 224; Held, 226, Adj., 259; Held, 259, Adj., 292; Held, 293, Adj., 316; Held, 316, Adj., 333; Held, 333, Adj., 352; Held, 352, Adj., 383

Special meeting, Held, 139, Adj., 140; Held, 224, Adj., 226

Reso. establishing schedule for regular Council meetings during 2005, Tr. letter, 332, Adpt., 333

COUNCIL MINUTES

Approval of, 5; 36; 65; 87; 112; 140; 226; 293; 316; 333; 352

COUNCIL PRESIDENT

Reso. for nomination and selection of President for Roch. City Council, Adpt., 1

Reso. appointing member to High Falls Business Improvement District Board of Directors, Tr. letter, 227, Adpt., 227

COUNCIL VICE PRESIDENT

Reso. for nomination and selection of Vice President for Roch. City Council, Adpt., 1

COURT STREET GARAGE

Amend. Mun. Code with respect to fees for evening and weekend parking at parking garages, Tr. letter, 345, Pssd., 345

CREATING ASSETS, SAVINGS, HOPE INITIATIVE

Auth. agree. for Human Svcs. Programs, Tr. letter,

269, Pssd., 270

CREDIT BUREAU OF ROCHESTER

Auth. collections agree. for Parking Violations Bur. and Mun. Code Violations Bur., Tr. letter, 349, Pssd., 350

CRIME

Establishing max. comp. for amend. professional svcs. agree. for Homicide Prevention Study and amend. 2003-04 Budget, Tr. letter, 64, Pssd., 65

Auth. receipt of funds for In-School Youth Violence Prevention, Tr. letter, 83, Pssd., 83

Auth. appl. and agree. for Motor Vehicle Theft & Insurance Fraud Prevention Program and amend. 2003-04 Budget, Tr. letter, 84, Pssd., 85

Establishing Police foot and bike patrol detail for drug trafficking and homicide prevention and amend. 2003-04 Budget, Tr. letter, 86, Failed, 87

Auth. appl. and agree. for STOP Violence Against Women program, Tr. letter, 108, Pssd., 108

Auth. amend. agree. for pilot drug control proj., approp. funds and amend. 2003-04 Budget, Tr. letter, 110, Pssd., 111

Auth. appl. and agree. for Motor Vehicle Theft & Insurance Fraud Prevention Program and amend. 2003-04 Budget, Tr. letter, 133, Pssd., 134

Auth. agree. for pilot drug control proj. and amend. 2004-05 Budget, Tr. letter, 255, Pssd., 255

Auth. agree. with respect to reducing youth violence and amend. 2004-05 Budget, Tr. letter, 288, Pssd., 288

Auth. application and agree. for Juvenile Accountability Block Grant, Tr. letter, 314, Pssd., 314

Auth. agree. for drug enforcement demonstration program and amend. 2004-05 Budget of Roch. Police Dept., Tr. letter, 351, Pssd., 351

Amend. 2004-05 Community Dev. Program by transferring funds and auth. agree. for Huther-Doyle Drug Prevention Program, Tr. letter, 362, Pub. hear., 353, Pssd., 362

Auth. agree. for pilot drug control proj. and amend. 2004-05 Budget, Tr. letter, 376, Pssd., 377

Amend. Mun. Code to provide for establishment of Drug Free Zones, Tr. letter, 380, Held, 382

CULTURAL CENTER COMMISSION

Auth. amend. agree. for East End Garage reserve fund, Tr. letter, 7, Pssd., 8

Approving 2004-05 operating and capital budgets of Cultural Center Commission, Tr. letter, 180, Pssd., 181

2004-20 - Reso. approving appointments to Cultural Ctr. Commission, Tr. letter, 232, Adpt., 232

CULTURAL DISTRICT

Amend. boundaries of Cultural District to include Auditorium Theater, Tr. letter, 7, Pssd., 8

CULVER/MERCHANTS

Continuation of L.I.O. No. 1357 relating to Culver/Merchants Commercial Parking Lot, Tr. letter, 119, Pub. hear., 112, Pssd., 120

L.I.O. - establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 120, Pub. hear., 112, Pssd., 121

CURRAN, BRIAN F., COUNCILMEMBER

Negative vote, Ord. No. 2004-57, p. 54; Ord. No. 2004-58, p. 55; Motion to return Int. No. 75 to

committee, 64; Ord. No. 2004-68, p. 65; Ord. No. 2004-103, p. 94; Ord. No. 2004-104, p. 96; Ord. No. 2004-05, p. 146; Ord. No. 2004-153, p. 147; Ord. No. 2004-154, p. 147; Ord. No. 2004-155, p. 147; Ord. No. 2004-156, p. 148; Ord. No. 2004-157, p. 148; Ord. No. 2004-158, p. 149; Ord. No. 2004-159, p. 149; Ord. No. 2004-160, p. 150; Reso. 2004-15, p. 151; Ord. No. 2004-162, p. 155; Ord. No. 2004-163, p. 155; Ord. No. 2004-165, p. 156; Ord. No. 2004-166, p. 156; Ord. No. 2004-240, p. 240; Ord. No. 2004-325, p. 308; Ord. No. 2004-326, p. 308; Ord. No. 2004-327, p. 308; Ord. No. 2004-339, p. 316; Ord. No. 2004-372, p. 344; Ord. No. 2004-382, p. 352; Ord. No. 2004-383, p. 355; Ord. No. 2004-390, p. 362; Ord. No. 2004-398, p. 368; Ord. No. 2004-401, p. 371

Abstained vote, Ord. No. 2004-76, p. 73; Ord. No. 2004-269, p. 265

Motion to amend Int. No. 226, Failed, 139

Amend. proposed 2004-05 budget in regard to transfers to Contingency Account - \$3,600,000, Tr. letter, 150, Failed in committee, 150

Motion to amend Int. No. 227 with substitution of Int. No. 227L, Failed, 154

Motion to amend Int. No. 230 by substituting Int. No. 230A, Failed, 155

Amend. proposed 2004-05 Budget of the City School District - \$3,600,000, Tr. letter, 164, Failed in Committee, 164

Amend. Chapter 8A of Mun. Code with respect to responsible bidders, Tr. letter, 290, Pssd., 291

Motion to amend Int. No. 166A, Adpt., 338

CUTAIA, BONITA AND CHARLES

Approving lease of 578 Chili Ave., Tr. letter, 262, Pssd., 262

-D-

DAILY RECORD

Designating official newspapers of City of Roch. for years 2004-05, Pssd., 4

DANCE INSTRUCTION

Establishing max. comp. for amend. professional svcs. agree. for dance instruction, Tr. letter, 365, Pssd., 365

DARLING, DEREK S.

Reso. approving appt. to Roch. Environmental Commission, Tr. letter, 92, Adpt., 92

DAY ENVIRONMENTAL, INC.

Auth. agree. for Brownfield Assistance Program, Tr. letter, 248, Pssd., 249

DEBT LIMIT

Reso. approving 2004-05 debt limit for general municipal purposes, Tr. letter, 151, Adpt., 157

DEGEORGE, JOSEPH D.

Auth. lease agree. with Joseph D. DeGeorge for continued lease of space for Area E NET Office, Tr. letter, 114, Pssd., 115

DEMOCRAT & CHRONICLE

Designating official newspapers of City of Roch. for years 2004-05, Pssd., 4

DESIGN SERVICES

Establishing max. comp. for amend. professional svcs. agree. for design of Fast Ferry Terminal and Facilities, Tr. letter, 27, Pssd., 28

Bond ord. auth. issuance of \$310,000 bonds to finance cost of planning and implementing design of structural improvements to South Ave. Parking

Garage, Tr. letter, 55, Pssd., 57
 Establishing max. comp. for amend. professional svcs. agree. for State St. Underpass Improvement Proj., Tr. letter, 57, Pssd., 57
 Auth. agree. and approp. funds for South Ave. Enhancement Proj., Tr. letter, 79, Pssd., 80
 Establishing max. comp. for professional svcs. agree. for Atlantic Ave. Improvement Proj., Tr. letter, 82, Pssd., 82
 Establishing max. comp. for professional svcs. agree. for design and inspection of replacement of water supply conduit and amend. Ord. No. 2003-56 and 2003-57 relating to Lake Ave. Improvement Proj., Tr. letter, 129, Pssd., 130
 Bond ord. auth. issuance of \$650,000 bonds to finance cost of design and inspection of replacement of City water supply conduits, Tr. letter, 129, Pssd., 130
 Establishing max. comp. for professional svcs. agree. for Conduit Modernization Proj., Tr. letter, 272, Pssd., 273
 Bond ord. auth. issuance of \$530,000 bonds to finance cost of design and inspection of Catholic Protection Program for City water supply conduits, Tr. letter, 272, Pssd., 274
 Establishing max. comp. for professional svcs. agree. for preliminary design svcs. for Norton St. Imp. Proj., Tr. letter, 369, Pssd., 369

DESIGN INTERN PROGRAM

Approp. funds for design intern program, Tr. letter, 321, Pssd., 322

DETERMINATIONS AND FINDINGS

Determination and findings related to acq. of three properties as part of Project Turnaround, Tr. letter, 181, Pssd., 182
 Determination and findings related to acq. of 64 N. Washington St., Tr. letter, 266, Pssd., 267
 Determinations and findings related to acq. of fee and easements at 50 Hughes Place (A.K.A. 0 Petten St.) for Genesee Riverway Trail Proj., Tr. letter, 372, Pssd., 372

DEWBERRY, INC.

Establishing max. comp. for amend. professional svcs. agree. for State St. Underpass Improvement Proj., Tr. letter, 57, Pssd., 57
 Establishing max. comp. for amend. professional svcs. agree. for Elmwood Ave. Bridge rehab. proj., approp. funds and amend. 2004-05 Budget, Tr. letter, 345, Pssd., 346

DIMITRI HOUSE

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

DOMESTIC PARTNERSHIP

Amend. Mun. Code with respect to fees of City Clerk, Tr. letter, 151, Pssd., 163

DOUGLAS, BENJAMIN L., COUNCILMEMBER

Abstained vote, Ord. No. 2004-12, p. 16
 Negative vote, motion to return Int. No. 75 to committee, 64; amend Int. No. 167, p. 135; motion to amend Int. No. 227 with substitution of Int. No. 227L, p. 154; Motion to amend Int. No. 230 by substituting Int. No. 230A, p. 155; Motion to amend Int. No. 230 by substituting Int. No. 230B, p. 155; Int. No. 230B, p. 165
 Motion to amend Int. No. 139, Adpt., 111
 Motion to change regular order of committees, by hearing the Finance & Public Safety Committee first, Adpt., 141

Amend. proposed 2004-05 Budget in regard to add. police recruits - \$137,500, Tr. letter, 146, Pssd., 147

Amend. proposed 2004-05 Budget in regard to Roch. Philharmonic Orchestra - \$25,000, Tr. letter, 148, Pssd., 148

Amend. proposed 2004-05 Budget in regard to industrial dev. - \$20,000, Tr. letter, 149, Pssd., 150

Auth. agree. for drug enforcement demonstration program and amend. 2004-05 Budget of Roch. Police Dept., Tr. letter, 351, Pssd., 351

Motion to suspend Rules of Council by removing Int. No. 446 and Int. No. 443 from their original order of committee and act on them first, Adpt., 353

Motion to remove Int. No. 445 from committee, Adpt., 380

DOWNTOWN ENHANCEMENT DISTRICT

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 10, Adpt., 10

DOWNTOWN GUIDES PROGRAM

Continuation of L.I.O. No. 1352 relating to Downtown Guides Program, Tr. letter, 95, Pub. hear., 87, Pssd., 95

L.I.O. - Establishing cost of special work and svcs. related to Downtown Guides and auth. agree., Tr. letter, 95, Pub. hear., 87, Pssd., 95

DOWNTOWN SPECIAL SERVICES, INC.

L.I.O. - Establishing cost of special work and svcs. related to Downtown Guides and auth. agree., Tr. letter, 95, Pub. hear., 87, Pssd., 95

DRIVING PARK/LAGRANGE/NEWBERRY BEAUTIFICATION PROJECT

Establishing max. comp. for professional svcs. agree. for Driving Park/LaGrange/Newberry Beautification Proj., Tr. letter, 277, Pssd., 278

DRUG TESTING

Establishing max. comp. for amend. professional svcs. agree. for continued administration of drug testing program, Tr. letter, 314, Pssd., 315

Establishing max. comp. for professional svcs. agree. for continued admin. of drug testing program, Tr. letter, 377, Pssd., 378

DRUGS

See "Crime"

DUBOIS URBAN YOUTH TRAINING PROGRAM

Auth. agree. for Human Svcs. Proj., Tr. letter, 52, Pssd., 53

-E-

ENSR INTERNATIONAL

Auth. agree. for Brownfield Assistance Program, Tr. letter, 248, Pssd., 249

EASEMENTS

Auth. acq. by negotiation or condemnation of easements for W. Ridge Rd. Public Improvement Proj., Tr. letter, 19, Pssd., 21

Auth. acq. by negotiation or condemnation of parcels and permanent easements for Lexington Ave. Improvement Proj., Tr. letter, 22, Pssd., 24

Auth. acq. by negotiation or condemnation of permanent easements for W. Broad St. Pub. Improvement Proj., Tr. letter, 24, Pssd., 25

Auth. sale of real estate and release of portion of easement, Tr. letter, 37, Pssd., 39

Auth. acceptance of permanent easement for Birch Crescent Improvement Proj., Tr. letter, 131, Pssd., 132

Auth. acq. of easements and agree. for River St. Waterfront Pub. Imp. Proj., Tr. letter, 306, Pssd., 308

Abandonment of School Alley from West Broad St. to its sound end and approving quit claim deed and easements, Tr. letter, 310, Pub. hear., 293, Pssd., 310

Granting easement in Town of Canadice, Tr. letter, 328, Pssd., 328

Bond ord. auth. issuance of \$70,000 bonds to finance cost of acq. of land and easements for const. of portion of Genesee Riverway Trail from Turning Point Park to Petten st., Tr. letter 346, Pssd., 348

Auth. acq. by negotiation or condemnation of fee and easements at 50 Hughes Place (a.k.a. 0 Petten St.) for Genesee Riverway Trail, Tr. letter, 346, Pub. hear., 333, Held, 348, Pssd., 373

Determinations and findings related to acq. of fee and easements at 50 Hughes Place (A.K.A. 0 Petten St.) for Genesee Riverway Trail Proj., Tr. letter, 372, Pssd., 372

EAST AVENUE

Changing zoning class. of 4-8 N. Goodman St. and 610, 630 and 666 East Ave. from Institutional Planned Dev. #16 to R-3 High Density Residential, Tr. letter, 12, Pub. hear., 5, 13

Changing zoning class. of 657 East Ave., 10 and 14-22 South Goodman St., 209 and 215 Oxford St. and 276-282 Park Ave. from Institutional Planned Development District #7 and 203 Oxford St. from R-3 High Density Residential to Planned Development District #4-Roch. Museum and Science Ctr., Tr. letter, 47, Pub. hear., 36, Pssd., 49

EAST END GARAGE

Auth. amend. agree. for East End Garage reserve fund, Tr. letter, 7, Pssd., 8

EAST HENRIETTA ROAD

Auth. agree. with respect to Mt. Hope Ave. and East Henrietta Rd. Pub. Imp. Proj., Tr. letter, 368, Pssd., 369

EAST MAIN STREET

L.I.O. - Areaway abandonment at 316 E. Main St. and repair at 60 Liberty Pole Way as part of Achilles St. Improvement Proj., Tr. letter, 25, Pub. hear., 5, Pssd., 27

Establishing max. comp. for amend. agree. for supplemental environmental investigation - 1200 East Main St., Tr. letter, 199, Pssd., 200

Bond ord. auth. issuance of \$85,000 bonds to finance add. cost of environmental clean-up at 1200 East Main St., Tr. letter, 199, Pssd., 201

EICKOFF COLUMBARIUM LLP

Establishing max. comp. for agree. for columbarium unit and amend. 2003-04 Budget, Tr. letter, 22, Pssd., 22

ELECTRICAL EXAMINING BOARD

Reso. approving appt. to Electrical Examining Board, Tr. letter, 267, Adpt., 268

ELEVATOR EXAMINING BOARD

Reso. approving appt. to Elevator Examining Board, Tr. letter, 92, Adpt., 92

ELEVATOR CERTIFICATION/INSPECTION

Auth. agree. for elevator inspection svcs., Tr.

letter, 179, Pssd., 179

Amend. Mun. Code with respect to fees for elevator certifications, Tr. letter, 360, Pssd., 360

ELMGROVE PLACE

Auth. amend. 2003-04 Community Dev. Program Plan and agree. for float loan for Elmgrove Place Proj., Tr. letter, 11, Pub. hear., 5, Pssd., 12

Auth. loan agree. for apartments at 271 Central Park and amend. Ord. No. 2004-7, Tr. letter, 90, Pssd., 91

ELMWOOD AVENUE

Establishing max. comp. for amend. professional svcs. agree. for Elmwood Ave. Bridge rehab. proj., approp. funds and amend. 2004-05 Budget, Tr. letter, 345, Pssd., 346

ELMWOOD MALL

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

EMERGENCY ASSISTANCE FOR CITY HOMEOWNERS PROGRAM

Approp. of funds and auth. agree. for Emergency Assistance for City Homeowners (EACH) Program, Tr. letter, 175, Pssd., 175

EMERGENCY COMMUNICATIONS CENTER

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr., Tr. letter, 63, Pssd., 64

Establishing max. comp. for professional svcs. agree. for 911 Center outbound telephone notification svcs., Tr. letter, 331, Pssd., 332

EMERGENCY MANAGEMENT

Adoption of Monroe County Pre-Disaster Mitigation Plan, Tr. letter, 379, Pssd., 380

EMERGENCY SHELTER GRANT PROGRAM

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

Amend. Ord. No. 2004-124 relating to Emergency Shelter Grant Program, Tr. letter, 271, Pssd., 271

EMERSON STREET

Changing zoning class. of 753-781 Emerson St. from R-1 Low Density Residential to M-1 Industrial, Tr. letter, 268, Pub. hear., 259, Held, 269, Pssd., 301

EMPIRE ZONE

Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 46, Pub. hear., 36, Adpt., 47

Local Law revising boundaries of New York State Empire Zone, Tr. letter, 232, Pssd., 232

EMPLOYEE REIMBURSEMENT

Amend. Mun. Code with respect to per diem meal allowance, Tr. letter, 376, Pssd., 376

EMPLOYEE TRAINING

Establishing max. comp. for professional svcs. agree. for database training, Tr. letter, 288, Pssd., 289

ENGINEERING SERVICES

Establishing max. comp. for amend. professional svcs. agree. for new Water Works Operations Ctr., Tr. letter, 54, Pssd., 54

Establishing max. comp. for professional svcs. agree. for engineering design svcs. for South Ave. Garage Rehab. Proj., Tr. letter, 55, Pssd., 56

Auth. agree. and approp. funds for South Ave. Enhancement Proj., Tr. letter, 79, Pssd., 80

Establishing max. comp. for professional svcs. agree. for Atlantic Ave. Improvement Proj., Tr. letter, 82, Pssd., 82

Establishing max. comp. for professional svcs. agree. for new community room at Lyell Branch Library, Tr. letter, 320, Pssd., 321

ENTREPRENEURIAL TRAINING

Approving business programs, Tr. letter, 177, Pssd., 179

ENTERPRISE FOUNDATION

Auth. agree. with Enterprise Foundation for housing svcs., Tr. letter, 170, Pssd., 170

ENVIRONMENTAL CLEAN-UP/INVESTIGATION

Establishing max. comp. for amend. agree. for supplemental environmental investigation - 1200 East Main St., Tr. letter, 199, Pssd., 200

Bond ord. auth. issuance of \$85,000 bonds to finance add. cost of environmental clean-up at 1200 East Main St., Tr. letter, 199, Pssd., 201

Auth. agree. for Brownfield Assistance Program, Tr. letter, 248, Pssd., 249

Auth. agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 265, Pssd., 266

Bond ord. auth. issuance of \$940,000 bonds to finance additional cost of environmental clean-up at Bureau of Water & Lighting site at 10 Felix St., Tr. letter, 369, Pssd., 371

ENVIRONMENTAL REVIEW

Auth. ext. of lead agency agree. between City Council and Mayor regarding environmental review, Tr. letter, 18, Pssd., 19

ETZEL, DAVID

Approving lease of 923-927 Genesee St. for NET Office and amend. 2003-04 Budget, Tr. letter, 44, Pssd., 44

Approving sale of 923-925 and 927 Genesee St. in Brooks Landing Urban Renewal Proj., Tr. letter, 44, Pssd., 45

-F-

FRA ENGINEERING

Approving amend. professional svcs. agree. for River St. Waterfront Pub. Improvement Proj., approp. funds and amend. Ord. No. 2002-49 and 2002-50, Tr. letter, 27, Pssd., 28

Establishing max. comp. for professional svcs. agree. for Atlantic Ave. Improvement Proj., Tr. letter, 82, Pssd., 82

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 224

Establishing max. comp. for professional svcs. agree. for S. Plymouth Ave. Public Improvement Proj. and approp. funds, Tr. letter, 280, Pssd., 284

Establishing max. comp. for professional svcs. agree. for River St. Waterfront Pub. Imp. Proj., Tr. letter, 306, Pssd., 308

FAIR HOUSING

Auth. agree. for Fair Housing Enforcement Proj., Tr. letter, 92, Pssd., 93

Approp. funds for Community Choice/Fair Housing website, Tr. letter, 230, Pssd., 231

Auth. agree. for fair housing lending monitoring svcs., Tr. letter, 319, Pssd., 319

FAMILY VIOLENCE PROGRAM

Approving applications, agree. and 2004 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 83, Pssd., 84

FARMINGTON PARK

Bond ord. auth. issuance of \$400,000 bonds to finance cost of Fourth and Peck Park, Farmington Park and Verona Playground Improvement Proj., Tr. letter, 103, Pssd., 104

FEES

Amend. Ord. No. 2002-201 and Mun. Code with respect to alarm user permit fees, Tr. letter, 33, Pssd., 34

Amend. Chapter 40 of Mun. Code, Bldg. Constr.: Plumbing, Tr. letter, 42, Pssd., 43

Amend. Mun. Code with respect to taxicabs, Tr. letter, 69, Pssd., 73

Adpt. of budget estimates for municipal purposes for 2004-05 fiscal year, approp. of sums set forth therein and approving commercial refuse fees, Tr. letter, 151, Pssd., 155

Amend. Mun. Code with respect to refuse fees, Tr. letter, 151, Pssd., 157

Amend. Mun. Code with respect to fees for parking garages, Tr. letter, 151, Pssd., 158

Amend. Mun. Code with respect to fees from City Engineer, Tr. letter, 151, Pssd., 161

Amend. Mun. Code with respect to fees for permits from Fire Chief, Tr. letter, 151, Pssd., 163

Local Law amend. City Charter with respect to fees for foreclosure, Tr. letter, 151, Pssd., 163

Amend. Mun. Code with respect to fees of City Clerk, Tr. letter, 151, Pssd., 163

Amend. Mun. Code with respect to fees for oversized and overweight vehicles, Tr. letter, 277, Pssd., 277

Amend. Mun. Code with respect to fees for evening parking at Sister Cities Garage, Tr. letter, 309, Pssd., 309

Amend. Chapter 90 of Mun. Code with respect to business certificates of use and electrical requirements, Tr. letter, 337, Pssd., 341

Amend. Mun. Code with respect to fees for evening and weekend parking at parking garages, Tr. letter, 345, Pssd., 345

Amend. Mun. Code with respect to fees for elevator certifications, Tr. letter, 360, Pssd., 360

FENWICK, RICHARD D.

Auth. agree. for property management svcs., Tr. letter, 39, Pssd., 40

FERNWOOD PARK

Approving decrease in pav. width of Fernwood Park, Tr. letter, 133, Pub. hear., 112, Pssd., 133

FERRY

Establishing max. comp. for amend. professional svcs. agree. for deign of Fast Ferry Terminal and Facilities, Tr. letter, 27, Pssd., 28

Approp. funds for Fast Ferry Terminal Proj., Tr. letter, 27, Pssd., 28

Auth. agree. for fuel storage system facilities at Fast Ferry Terminal and amend. 2003-04 Budget, Tr. letter, 58, Pssd., 59

Auth. agree. for public art at Fast Ferry Terminal, Tr. letter, 249, Pssd., 249

Establishing max. comp. for professional svcs. agree. for legal svcs. relating to Fast Ferry, Tr. letter, 352, Pssd., 352

Approving creation of Fast Ferry Corp., Tr.

letter, 353, Pssd., 355
 Establishing max. comp. for professional svcs. agree. with TranSystems Corp. for review of proposed business plan for Fast Ferry Proj. - \$30,000, Tr. letter, 361, Pssd., 362

FILLMORE STREET

Accepting donation of real estate, Tr. letter, 295, Pssd., 296

FILM FESTIVAL

Establishing max. comp. for professional svcs. agree. for film festival, Tr. letter, 301, Pssd., 302

FINANCE & PUBLIC SAFETY COMMITTEE

Reports of, 29; 63; 82; 106; 133; 141; 254; 286; 310; 330; 349; 374

FINANCE, DIRECTOR OF

Auth. Dir. of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 29, Pssd., 30

FINCH STREET

Approving changes in traffic flow on Canary St., Lark St., Holmes St., Oriole St. and Finch St. and increase in pav. width of Lark St., Tr. letter, 22, Pub. hear., 5, Pssd., 24

FIRE DEPARTMENT

Bond ord. auth. issuance of \$120,000 bonds to finance costs of replacement of roof on Hudson Ave. Fire Facility, Tr. letter, 32, Pssd., 33

Auth. grant agree. and amend. 2003-04 Budget of Roch. Fire Dept., Tr. letter, 64, Pssd., 64

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Fire Dept., Tr. letter, 145, Pssd., 145

Amend. Mun. Code with respect to fees for permits from Fire Chief, Tr. letter, 151, Pssd., 163

Amend. 2003-04 Budget, Tr. letter, 291, Pssd., 291

Amend. 2004-05 Budget of Roch. Fire Dept., Tr. letter, 349, Pssd., 349

FIREWORKS

Establishing max. comp. for professional svcs. agree. for fireworks, Tr. letter, 199, Pssd., 199

FISHER ASSOCIATES

Establishing max. comp. for professional svcs. agree. for construction resident proj. representation svcs., Tr. letter, 276, Pssd., 277

FLAGGING SERVICES

Auth. agree. for Lexington Ave. Pub. Imp. Proj., Tr. letter, 306, Pssd., 306

FORD STREET

Amend. Ord. No. 2002-368 relating to changes in pav. width of S. Plymouth Ave. and Bartlett St. and at intersection of S. Plymouth Ave. with Ford St. and Bartlett St., Tr. letter, 280, Pub. hear., 260, Pssd., 282

FORENSIC SERVICES

Auth. agree. with County of Monroe with respect to unarraigned prisoners and forensic svcs., Tr. letter, 355, Pssd., 356

FORESTRY

Authorizing applications and agree. for Urban Forestry Management Plan and amend. 2003-04 Budget, Tr. letter, 201, Pssd., 202

FORFEITURE FUNDS

Amend. 2003-04 Budget by approp. forfeiture

funds, Tr. letter, 85, Pssd., 85

Approving participation in Greater Roch. Area Narcotics Team and amend. 2004-05 Budget by approp. forfeiture funds, Tr. letter, 313, Pssd., 314

FOURTH AND PECK PARK

Bond ord. auth. issuance of \$400,000 bonds to finance cost of Fourth and Peck Park, Farmington Park and Verona Playground Improvement Proj., Tr. letter, 103, Pssd., 104

FUEL STORAGE

Auth. agree. for fuel storage system facilities at Fast Ferry Terminal and amend. 2003-04 Budget, Tr. letter, 58, Pssd., 59

FULTON AVENUE CHALLENGED STREET PROJECT

Approving acq. of parcel for Fulton Ave. Challenged St. Proj., Tr. letter, 91, Pssd., 91

-G-**GARNER, LORI**

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 10, Adpt., 10

GATES, TOWN OF

Auth. agree. with Town of Gates for bldg. plan and inspection svcs., Tr. letter, 321, Pssd., 321

GENESEE COMMONS

Auth. Memorandum of Understanding for Genesee Commons Redevelopment Proj., Tr. letter, 73, Pssd., 74

GENESEE CROSSROADS GARAGE

Amend. Mun. Code with respect to fees for evening and weekend parking at parking garages, Tr. letter, 345, Pssd., 345

GENESEE MARINA, INC.

Auth. acq. by negotiation or condemnation of fee and easements at 50 Hughes Place (a.k.a. 0 Petten St.) for Genesee Riverway Trail, Tr. letter, 346, Pub. hear., 333, Held, 348, Pssd., 373

GENESEE RIVER

Approving amend. professional svcs. agree. for River St. Waterfront Pub. Improvement Proj., approp. funds and amend. Ord. No. 2002-49 and 2002-50, Tr. letter, 27, Pssd., 28

Approving need and auth. appl. for at-grade railroad crossings as part of River St. Waterfront Public Improvement Proj., Tr. letter, 27, Pssd., 28

Auth. agree. and approp. funds for Genesee Riverway Trail Signage Proj., Tr. letter, 77, Pssd., 78

Bond ord. auth. issuance of \$70,000 bonds to finance cost of acq. of land and easements for const. of portion of Genesee Riverway Trail from Turning Point Park to Petten st., Tr. letter 346, Pssd., 348

Auth. acq. by negotiation or condemnation of fee and easements at 50 Hughes Place (a.k.a. 0 Petten St.) for Genesee Riverway Trail, Tr. letter, 346, Pub. hear., 333, Held, 348, Pssd., 373

Determinations and findings related to acq. of fee and easements at 50 Hughes Place (A.K.A. 0 Petten St.) for Genesee Riverway Trail Proj., Tr. letter, 372, Pssd., 372

GENESEE STREET

Approving lease of 923-927 Genesee St. for NET Office and amend. 2003-04 Budget, Tr. letter, 44, Pssd., 44

Approving sale of 923-925 and 927 Genesee St. in Brooks Landing Urban Renewal Proj., Tr. letter, 44, Pssd., 45

Auth. sale of 951 and 953 Genesee St., Tr. letter, 296, Pssd., 297

Auth. sale of real estate and amend. Ord. No. 2004-313, Tr. Letter, 323, Pssd., 325

GENESEE TRANSPORTATION COUNCIL

Auth. agree. for Automated Vehicle Locator System Requirement Study, Tr. letter, 198, Pssd., 199

GENESEE VALLEY LITTLE LEAGUE, INC.

Auth. grant agree. for athletic fields and amend. 2003-04 Budget, Tr. letter, 100, Pssd., 101

GENESEE VALLEY PARK

Auth. grant agree. for athletic fields and amend. 2003-04 Budget, Tr. letter, 100, Pssd., 101

GEOGRAPHIC INFORMATION SYSTEM

Auth. agree. with County of Monroe for sharing of Geographic Information System (GIS) data files, Tr. letter, 53, Pssd., 54

GIESS, LOIS J., COUNCIL PRESIDENT

Reso. for nomination and selection of President for Roch. City Council, Adpt., 1

Auth. ext. of lead agency agree. between City Council and Mayor regarding environmental review, Tr. letter, 18, Pssd., 19

Negative vote, motion to return Int. No. 75 to committee, 64; amend Int. no. 167, p. 135; motion to amend Int. No. 227 with substitution of Int. No. 227L, p. 154; Motion to amend Int. No. 230 by substituting Int. No. 230A, p. 155; Motion to amend Int. No. 230 by substituting Int. No. 230B, p. 155; Int. No. 230B, p. 165

Presentation of petition with 43 signatures opposing taxi changes in Taxicab Legislation, 65

Amend. Mun. Code with respect to taxicabs, Tr. letter, 69, Pssd., 73

Motion to amend. Int. No. 167, Pssd., 135

Amend. proposed 2004-05 Budget in regard to resources for Community Library - \$51,600, Tr. letter, 145, Pssd., 146

Amend. proposed 2004-05 Budget in regard to dev. of Violence Against Women Ad Campaign - \$5,000, Tr. letter, 147, Pssd., 147

Amend. proposed 2004-05 Budget in regard to Roch. Philharmonic Orchestra - \$25,000, Tr. letter, 148, Pssd., 148

Amend. proposed 2004-05 Budget in regard to Maplewood Rose Festival - \$7,600, Tr. letter, 148, Pssd., 149

Presentation of petition submitted by N. Clinton Business Assn. in favor of the expanded Certificate of Use legislation, 259

Auth. agree. with respect to records retention analysis and amend. 2004-05 Budget, Tr. letter, 289, Pssd., 290

Reso. endorsing appl. to New York Main St. Program, Tr. letter, 298, Adpt., 299

Reso. establishing schedule for regular Council meetings during 2005, Tr. letter, 332, Adpt., 333

Auth. agree. for drug enforcement demonstration program and amend. 2004-05 Budget of Roch. Police Dept., Tr. letter, 351, Pssd., 351

Presentation of signatures from residents of the City of Roch. opposing Vending Legislation to stop food vendors from selling food between the hours of midnight and 5:00 a.m., 353

Establishing max. comp. for professional svcs. agree. with TranSystems Corp. for review of proposed business plan for Fast Ferry Proj. - \$30,000,

Tr. letter, 361, Pssd., 362

Amend. Chapter 62 of Mun. Code with respect to solicitors, Tr. letter, 373, Pssd., 374

Reso. establishing max. number of Commissioners of Deeds, Tr. letter, 378, Adpt., 378

GLENDALE PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

GONG, NANCY

Auth. agree. for public art at Fast Ferry Terminal, Tr. letter, 249, Pssd., 249

GOOD GRADES PAY PROGRAM

Auth. agree. relating to 2004 Good Grades Pay Program, Tr. letter, 195, Held, 196; Tr. letter, 225, Pssd., 226

Amend Ord. No. 2004-232 relating to Good Grades Pay Program, Tr. letter, 286, Pssd., 286

GOVERNOR'S TRAFFIC SAFETY COMMITTEE

Establishing max. comp. for amend. professional svcs. agree. for Police-Community Relationships Study, Tr. letter, 31, Pssd., 31

Auth. appl. and agree. with respect to TraCS Proj. and amend. 2003-04 Budget, Tr. letter, 107, Pssd., 108

GRACE URBAN MINISTRIES

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

Auth. agree. for housing dev. support, Tr. letter, 172, Pssd., 173

Auth. agree. for Human Svcs. Proj., Tr. letter, 342, Pssd., 343

GRANTS

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 16, Pssd., 16

Auth. grant agree. and amend. 2003-04 Budget of Roch. Fire Dept., Tr. letter, 64, Pssd., 64

Auth. appl. and agree. relating to Housing Opportunities for Persons With Aids Program and amend. ord., Tr. letter, 68, Pssd., 69

Auth. agree. and approp. funds for Rehab Roch. Program, Tr. letter, 89, Pssd., 90; Tr. letter, 115, Pssd., 115

Auth. grant agree. for athletic fields and amend. 2003-04 Budget, Tr. letter, 100, Pssd., 101

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

Auth. grant to loan agree. for Hickey Freeman Renovation Proj., Tr. letter, 118, Pssd., 119

Auth. submission of Consolidated Community Dev. Plan/2004-05 Action Plan and execution of grant agreement with U.S. Dept. of Housing and Urban Dev., Tr. letter, 121, Pub. hear., 112, Pssd., 122

Auth. appl. and agree. for Local Law Enforcement Block Grant Program, Tr. letter, 254, Pssd., 255

Auth. Police grant agree. or extensions and amend. 2004-05 Budget, Tr. letter, 312, Pssd., 313

Auth. application and agree. for Juvenile Accountability Block Grant, Tr. letter, 314, Pssd., 314

Auth. agree. for Local Law Enforcement Block Grant Program, Tr. letter, 315, Pssd., 315

Amend. 2004-05 Budget of Roch. Fire Dept., Tr. letter, 349, Pssd., 349

Approving Weed & Seed Program, Tr. letter, 379, Pssd., 379

GREATER ROCHESTER AREA NARCOTICS TEAM

Approving participation in Greater Roch. Area Narcotics Team and amend. 2003-04 Budget by approp. forfeiture funds, Tr. letter, 32, Pssd., 32

Approving participation in Greater Roch. Area Narcotics Team and amend. 2004-05 Budget by approp. forfeiture funds, Tr. letter, 313, Pssd., 314

GREATER ROCHESTER HOUSING PARTNERSHIP, INC.

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 167, Pssd., 168

Amend. Asset Control Area Business Plan and auth. agree., Tr. letter, 357, Pssd., 358

GREGORY STREET

Auth. agree. for brownfield svcs. at 399 Gregory St., Tr. letter, 329, Pssd., 330

Approving lease of 399 Gregory St., Tr. letter, 335, Pssd., 336

GRETA PROGRAM

Establishing max. comp. for professional svcs. agree. for continuation of "Greta Program", Tr. letter, 198, Pssd., 198

GRIPPO, SCOTT

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 10, Adpt., 10

GROUP 14621

Auth. agree. for Community Technology Ctr., Tr. letter, 75, Pssd., 76

Amend. 2003-04 Community Dev. Program by transferring funds to Job Creation/Youth Dev. Account, Tr. letter, 75, Pub. hear., 65, Pssd., 77

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

Reso. endorsing appl. to New York Main St. Program, Tr. letter, 298, Adpt., 299

-H-

HAMPSON, THOMAS

Reso. approving reappointments to Civil Service Commission of City of Roch., Tr. letter, 145, Adpt., 145

HARVARD COLLEGE

Auth. amend. agree. for pilot drug control proj., approp. funds and amend. 2003-04 Budget, Tr. letter, 110, Pssd., 111

Auth. agree. for pilot drug control proj. and amend. 2004-05 Budget, Tr. letter, 255, Pssd., 255

HAZELWOOD TERRACE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

HEALTH ASSOCIATION, INC., THE

Auth. appl. and agree. relating to Housing Opportunities for Persons With Aids Program and amend. ord., Tr. letter, 68, Pssd., 69

HEALTH INSURANCE

Establishing max. comp. for professional svcs.

agree. for health insurance review, Tr. letter, 350, Pssd., 351

HEMLOCK FILTRATION PLANT

Auth. extension of agree. for water automation system svcs., Tr. letter, 250, Pssd., 251

HICKEY FREEMAN

Auth. grant to loan agree. for Hickey Freeman Renovation Proj., Tr. letter, 118, Pssd., 119

HIGH FALLS

Establishing max. comp. for professional svcs. agree. for Rhythm Nights concert series, Tr. letter, 96, Pssd., 96

Reso. appointing member to High Falls Business Improvement District Board of Directors, Tr. letter, 227, Adpt., 227

Establishing max. comp. for professional svcs. agree. for High Falls laser equipment., Tr. letter, 251, Pssd., 252

Auth. agree. for operation of High Falls Parking Garage, Tr. letter, 309, Pssd., 309

Amend. Mun. Code with respect to fees for evening and weekend parking at parking garages, Tr. letter, 345, Pssd., 345

HIGH TECHNOLOGY OF ROCHESTER

Approving business programs, Tr. letter, 177, Pssd., 179

HIGHLAND PARKWAY

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

HILB ROGEL & HOBBS

Establishing max. comp. for professional svcs. agree. for health insurance review, Tr. letter, 350, Pssd., 351

HILDEBRAND, JOAN

Establishing max. comp. for amend. professional svcs. agree. for Roch. Public Mkt., Tr. letter, 328, Pssd., 328

HILLSIDE AVENUE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

HILLSIDE CHILDREN'S CENTER

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

HISCOCK & BARCLAY, LLP

Establishing max. comp. for professional svcs. agree. for legal consultation svcs., Tr. letter, 315, Pssd., 316

HOLMES STREET

Approving changes in traffic flow on Canary St., Lark St., Holmes St., Oriole St. and Finch St. and increase in pav. width of Lark St., Tr. letter, 22, Pub. hear., 5, Pssd., 24

HOME PROGRAM

Approp. funds and auth. agree. for CHDO operating assistance, Tr. letter, 169, Pssd., 170

HOME ROCHESTER PROGRAM

Auth. agree. for Home Roch. Program, Tr. letter, 335, Pssd., 335

HOME STORE

Auth. agree. for Home Store, Tr. letter, 171, Pssd., 171

HOMEBUYER ASSISTANCE PROGRAM

Approp. of funds - Homebuyer Asst. Program, Tr. letter, 229, Pssd., 229

HORTENSE STREET

Amend. Ord. No. 2004-41 relating to sale of real estate, Tr. Letter, 113, Pssd., 114

HOUSEKEY PROPERTIES

Auth. agree. for Asset Control Area (ACA) Program, Tr. letter, 52, Held, 52, Pssd., 73

HOUSING

Auth. sale of real estate and amend. Ord. No. 2003-28 relating to tax exemption for Providence Rental Housing Proj., Tr. letter, 40, Pssd., 41

Amend. Ord. No. 2003-25 relating to rental housing proj., Tr. letter, 40, Pssd., 41

Auth. amend. agree. for housing program arbitration svcs. and amend. Ord. No. 2003-25, Tr. letter, 67, Pssd., 68

Auth. appl. and agree. relating to Housing Opportunities for Persons With Aids Program and amend. ord., Tr. letter, 68, Pssd., 69

Auth. Memorandum of Understanding for Genesee Commons Redevelopment Proj., Tr. letter, 73, Pssd., 74

Auth. agree. and approp. funds for Rehab Roch. Program, Tr. letter, 89, Pssd., 90; Tr. letter, 115, Pssd., 115

Auth. loan agree. for apartments at 271 Central Park and amend. Ord. No. 2004-7, Tr. letter, 90, Pssd., 91

Auth. agree. for Fair Housing Enforcement Proj., Tr. letter, 92, Pssd., 93

Amend. 2002-03 Community Dev. Program by transferring fund to new acct. for Aging In Place Proj. and auth. agree., Tr. letter, 93, Pub. hear., 87, Pssd., 94

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 167, Pssd., 168

Approp. funds and auth. agree. for CHDO operating assistance, Tr. letter, 169, Pssd., 170

Auth. agree. with Enterprise Foundation for housing svcs., Tr. letter, 170, Pssd., 170

Auth. agree. for housing dev. svcs., Tr. letter, 171, Pssd., 172

Auth. agree. for housing dev. support, Tr. letter, 172, Pssd., 173

Auth. agree. with Neighborhood Housing Svcs., Tr. letter, 173, Pssd., 174

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

Approp. of funds and auth. agree. for Emergency Assistance for City Homeowners (EACH) Program, Tr. letter, 175, Pssd., 175

Approp. funds and auth. agree. for water service replacement, Tr. letter, 175, Pssd., 176

Auth. agree. for continued admin. of Joint Energy Conservation Program, Tr. letter, 176, Pssd., 177

Auth. agree. for continued admin. of Joint Energy Conservation Program, Tr. letter, 176, Pssd., 177

Approp. of funds - Homebuyer Asst. Program, Tr. letter, 229, Pssd., 229

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 229, Pssd., 230

Approp. funds for Community Choice/Fair Housing website, Tr. letter, 230, Pssd., 231

Approp. funds for housing program arbitration svcs., Tr. letter, 231, Pssd., 231

Amend. 2000-01, 2002-03 and 2003-04 Community Dev. Programs by transferring funds and auth. agree. for mortgage default resolution svcs., Tr. letter, 233, Pub. hear., 227, Pssd., 234

Auth. necessary agree. for site improvements for Newcroft Subdivision, Tr. letter, 262, Pssd., 263

Bond ord. auth. issuance of \$70,000 bonds to finance add. cost of const. of street improvements in connection with Newcroft Subdivision Proj., Tr. letter, 262, Pssd., 264

Approving property tax exemptions and auth. in-lieu-of-tax agree. for Rexford Place Affordable Housing Proj., Tr. letter, 317, Pssd., 318

Auth. sale of real estate for Rexford Place Affordable Housing Proj., Tr. letter, 317, Pssd., 318

Auth. agree. for fair housing lending monitoring svcs., Tr. letter, 319, Pssd., 319

Auth. agree. for lending awareness svcs., Tr. letter, 320, Pssd., 320

Auth. agree. for Home Roch. Program, Tr. letter, 335, Pssd., 335

Amend. Asset Control Area Business Plan and auth. agree., Tr. letter, 357, Pssd., 358

HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Reports of, 5; 37; 65; 88; 112; 165; 227; 260; 293; 316; 334; 356

HOUSING COUNCIL

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 229, Pssd., 230

Amend. 2000-01, 2002-03 and 2003-04 Community Dev. Programs by transferring funds and auth. agree. for mortgage default resolution svcs., Tr. letter, 233, Pub. hear., 227, Pssd., 234

Auth. agree. for lending awareness svcs., Tr. letter, 320, Pssd., 320

Approp. funds, auth. agree. and amend. 2004-05 Budget for lead-based paint hazard control programs, Tr. letter, 358, Pssd., 360

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

Auth. appl. and agree. relating to Housing Opportunities for Persons With Aids Program and amend. ord., Tr. letter, 68, Pssd., 69

HOUSING OPPORTUNITIES, INC.

Auth. loan agree. for apartments at 271 Central Park and amend. Ord. No. 2004-7, Tr. letter, 90, Pssd., 91

Auth. agree. for housing dev. support, Tr. letter, 172, Pssd., 173

HUGHES PLACE

Auth. acq. by negotiation or condemnation of fee and easements at 50 Hughes Place (a.k.a. 0 Petten St.) for Genesee Riverway Trail, Tr. letter, 346, Pub. hear., 333, Held, 348, Pssd., 373

Determinations and findings related to acq. of fee and easements at 50 Hughes Place (A.K.A. 0 Petten St.) for Genesee Riverway Trail Proj., Tr. letter, 372, Pssd., 372

HUMAN SERVICES PROJECTS

Auth. agree. for Human Svcs. Proj., Tr. letter, 52, Pssd., 53; Tr. letter, 126, Pssd., 127; Tr. letter, 246, Pssd., 246; Tr. letter, 342, Pssd., 343

Auth. agree. and approp. funds for Human Svcs. Proj., Tr. letter, 193, Pssd., 193

Auth. agree. for Human Svcs. Programs, Tr. letter, 269, Pssd., 270

HUNTINGTON PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

HURSH, ROBERT

Reso. approving reappointments to Roch. Public Library Board of Trustees, Tr. letter, 9, Adpt., 10

HUTHER-DOYLE DRUG PREVENTION PROGRAM

Amend. 2004-05 Community Dev. Program by transferring funds and auth. agree. for Huther-Doyle Drug Prevention Program, Tr. letter, 362, Pub. hear., 353, Pssd., 362

-I-**IBERO AMERICAN ACTION LEAGUE**

Auth. agree. relating to 2004 Good Grades Pay Program, Tr. letter, 195, Held, 196; Tr. letter, 225, Pssd., 226

Auth. agree. for housing dev. support, Tr. letter, 172, Pssd., 173

Auth. agree. for Human Svcs. Proj., Tr. letter, 342, Pssd., 343

Auth. agree. for School No. 28 After School Program, Tr. letter, 366, Pssd., 366

IBERO AMERICAN DEVELOPMENT CORPORATION

Amend. ord. relating to relating to sale of real estate, Tr. letter, 323, Pssd., 325

ICE HOCKEY

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 303, Pssd., 303

Amend. 2004-05 Budget with respect to ice hockey officials, Tr. letter, 364, Pssd., 365

INDUSTRIAL DEVELOPMENT

Amend. proposed 2004-05 Budget in regard to industrial dev. - \$20,000, Tr. letter, 149, Pssd., 150

INDUSTRIAL LOAN FUND

Approving business programs, Tr. letter, 177, Pssd., 179

IN-SCHOOL YOUTH VIOLENCE PREVENTION PROJECT

Auth. receipt of funds for In-School Youth Violence Prevention, Tr. letter, 83, Pssd., 83

INSPECTION SERVICES

Establishing max. comp. for professional svcs. agree. for design and inspection of replacement of water supply conduit and amend. Ord. No. 2003-56 and 2003-57 relating to Lake Ave. Improvement Proj., Tr. letter, 129, Pssd., 130

Bond ord. auth. issuance of \$650,000 bonds to finance cost of design and inspection of replacement of City water supply conduits, Tr. letter, 129, Pssd., 130

Reso. requesting Mayor to re-open negotiations with Monroe County Executive regarding move-in move-out inspections to include wipe tests, Tr. letter, 234, Held, 235

Establishing max. comp. for professional svcs. agree. for Conduit Modernization Proj., Tr. letter, 272, Pssd., 273

Bond ord. auth. issuance of \$530,000 bonds to finance cost of design and inspection of Catholic Protection Program for City water supply conduits, Tr. letter, 272, Pssd., 274

Auth. agree. with Town of Gates for bldg. plan and inspection svcs., Tr. letter, 321, Pssd., 321

INSURANCE

Auth. appl. and agree. for Motor Vehicle Theft & Insurance Fraud Prevention Program and amend. 2003-04 Budget, Tr. letter, 84, Pssd., 85

Auth. appl. and agree. for Motor Vehicle Theft & Insurance Fraud Prevention Program and amend. 2003-04 Budget, Tr. letter, 133, Pssd., 134

Establishing max. annual comp. for professional svcs. agree. for administration of unemployment insurance claims, Tr. letter, 143, Pssd., 143

Establishing max. comp. for professional svcs. agree. for health insurance review, Tr. letter, 350, Pssd., 351

Approp. of funds - Insurance Reserve Fund, Tr. letter, 378, Pssd., 378

ISLA

Auth. agree. for Adopt-A-Block Program, Tr. letter, 78, Pssd., 79

-J-**JAY STREET**

Approving dedication of portions of 900 West Broad St. and 242-248 Jay St. to street purposes as part of West Broad St. Improvement Proj., Pub. hear., 65

Approving dedication of portions of 900 West Broad St. and 242-248 Jay St. to street purposes as part of West Broad St. Pub. Imp. Proj., Tr. letter, 220, Pub. hear., 141, Pssd., 222

JEFFERSON AVENUE

Auth. changes in pav. width of Columbia Ave. and Jefferson Ave. as part of Columbia Ave. Improvement Proj., Tr. letter, 62, Pub. hear., 37, Pssd., 62

JENSEN, CRAIG

Reso. approving reappointment to Roch. Preservation Board, Tr. letter, 41, Adpt., 41

JENTONS, FREDERICK

Reso. approving appt. to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 115, Adpt., 116

JOB CREATION

Amend. 2003-04 Community Dev. Program by transferring funds to Job Creation/Youth Dev. Account, Tr. letter, 75, Pub. hear., 65, Pssd., 77

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

Auth. agree. for pilot drug control proj. and amend. 2004-05 Budget, Tr. letter, 376, Pssd., 377

JOINT ENERGY CONSERVATION PROGRAM

Auth. agree. for continued admin. of Joint Energy Conservation Program, Tr. letter, 176, Pssd., 177

JUNIOR ACHIEVEMENT

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 16, Pssd., 16

-K-

KIDTECH

Auth. agree. for human svcs. proj., Tr. letter, 246, Pssd., 246

KNICKERBOCKER STREET

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

KNOBLAUCH, PAUL

Auth. agree. for public art at Fast Ferry Terminal, Tr. letter, 249, Pssd., 249

KUUMBA CONSULTANTS

Establishing max. comp. for amend. professional svcs. agree. for dance instruction, Tr. letter, 365, Pssd., 365

-L-**LA MARKET A**

Approving urban renewal plan for La Marketa North Clinton Ave. Urban Renewal Proj., Tr. letter, 183, Pub. hear., 140, Pssd., 187

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for La Marketa North Clinton Ave. Urban Renewal Proj., Tr. letter, 183, Pub. hear., 140, Pssd., 188

Changing zoning class. of 804-888 North Clinton Ave. from C-2 Community Ctr., and 7, 11 and portion of 9 Sullivan St. from R-1 Low Density Residential, to La Marketa North Clinton Ave. Urban Renewal Distr., Tr. letter, 183, Pub. hear., 140, Pssd., 189

LABELLA ASSOCIATES, PC

Establishing max. comp. for amend. professional svcs. agree. for new Water Works Operations Ctr., Tr. letter, 54, Pssd., 54

Auth. agree. for Brownfield Assistance Program, Tr. letter, 248, Pssd., 249

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for park improvements, Tr. letter, 251, Pssd., 251

Auth. agree. for brownfield svcs. at 935 West Broad St., Tr. letter, 328, Pssd., 329

LABELLA, SALVATORE A.

Reso. approving appointments to Cultural Ctr. Commission, Tr. letter, 232, Adpt., 232

LAFAYETTE PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

LAKE AVENUE

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 104, Pub. hear., 88, Pssd., 104

Establishing max. comp. for professional svcs. agree. for design and inspection of replacement of water supply conduit and amend. Ord. No. 2003-56 and 2003-57 relating to Lake Ave. Improvement Proj., Tr. letter, 129, Pssd., 130

Approving sublease of 1495 Lake Ave., Tr. letter, 262, Pssd., 262

Approving decrease in pav. width of Lake Ave. north of Donald St., Tr. letter, 348, Pub. hear., 333, Pssd., 348

LAKEVIEW PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

LANDLORD AND TENANT SERVICES

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 229, Pssd., 230

LANDMARK SOCIETY OF WESTERN NEW YORK, INC.

Auth. agree. for real estate marketing initiative, Tr. letter, 180, Pssd., 180

LANDSMAN DEVELOPMENT CORPORATION

Auth. lease agree. for Police section offices, Tr. letter, 111, Pssd., 112

LARK STREET

Approving changes in traffic flow on Canary St., Lark St., Holmes St., Oriole St. and Finch St. and increase in pav. width of Lark St., Tr. letter, 22, Pub. hear., 5, Pssd., 24

LASER

Establishing max. comp. for professional svcs. agree. for High Falls laser equipment., Tr. letter, 251, Pssd., 252

LAW ENFORCEMENT PSYCHOLOGICAL ASSOCIATES

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Police Dept., Tr. letter, 144, Pssd., 144

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Fire Dept., Tr. letter, 145, Pssd., 145

LEAD AGENCY

Auth. ext. of lead agency agree. between City Council and Mayor regarding environmental review, Tr. letter, 18, Pssd., 19

LEAD DOG MARKETING

Establishing max. comp. for agree. for 2005 MusicFest and amend. 2004-05 Budget, Tr. letter, 343, Pssd., 344

LEAD-BASED PAINT

Approp. funds, auth. agree. and amend. 2004-05 Budget for lead-based paint hazard control programs, Tr. letter, 358, Pssd., 360

LEASE AGREEMENTS

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 13, Held, 13, Pub. hear., 65, Pssd., 73; Tr. letter, 336, Pssd., 336

Approving lease of 923-927 Genesee St. for NET Office and amend. 2003-04 Budget, Tr. letter, 44, Pssd., 44

Approval of lease to Roch. Riverfront Properties, L.P. of Sub-Area I in Brooks Landing Urban Renewal Proj., Tr. letter, 51, Pub. hear., 36, Held, 52

Auth. lease agree. for North St. Community Ctr., Tr. letter, 69, Pssd., 69

Auth. lease of 70 N. Washington St., Tr. letter, 91, Pssd., 91

Auth. lease agree. for Police section offices, Tr. letter, 111, Pssd., 112

Auth. lease agree. with Joseph D. DeGeorge for continued lease of space for Area E NET Office, Tr. letter, 114, Pssd., 115

Approving lease by Roch. Urban Renewal Agency to Thyroff & Thyroff, LLC of Manhattan Sq. Tennis Bubble & Facility, Tr. letter, 131, Pub. hear., 112, Pssd., 131

Approving sublease of 1495 Lake Ave., Tr. letter, 262, Pssd., 262

Approving lease of 578 Chili Ave., Tr. letter, 262, Pssd., 262

Approving East Side Police Section lease and amend. 2004-05 Budget, Tr. letter, 311, Pssd., 312

Approving lease for office space for Swillburg Neighborhood Assn., Tr. letter, 322, Pssd., 323

Approving lease of 399 Gregory St., Tr. letter, 335, Pssd., 336

LEGAL AID SOCIETY

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 229, Pssd., 230

LEGAL/LITIGATION SERVICES

Establishing max. comp. for professional svcs. agree. for litigation svcs., Tr. letter, 256, Pssd., 257

Establishing max. comp. for professional svcs. agree. for legal consultation svcs., Tr. letter, 315, Pssd., 316

Establishing max. comp. for professional svcs. agree. for legal svcs. relating to Fast Ferry, Tr. letter, 352, Pssd., 352

LEON AND R'S COLLISION SHOP, INC.

Auth. agree. for collision repair svcs., Tr. letter, 78, Pssd., 78

LEXINGTON AVENUE

Auth. acq. by negotiation or condemnation of parcels and permanent easements for Lexington Ave. Improvement Proj., Tr. letter, 22, Pssd., 24

Auth. agree. and approp. funds for Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 206

Bond ord. Auth. issuance of \$754,000 bonds to finance cost of certain street improvements related to Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 206

Bond ord. auth. issuance of \$582,000 bonds to finance reconstruction of various water mains related to Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 207

Bond ord. auth. issuance of \$71,000 bonds to finance cost of const. and reconstruction of certain sewer improvements related to Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 208

Auth. agree. for Lexington Ave. Pub. Imp. Proj., Tr. letter, 306, Pssd., 306

LIBERTY POLE WAY

L.I.O. - Areaway abandonment at 316 E. Main St. and repair at 60 Liberty Pole Way as part of Achilles St. Improvement Proj., Tr. letter, 25, Pub. hear., 5, Pssd., 27

LIBRARY

Reso. approving reappointments to Roch. Public Library Board of Trustees, Tr. letter, 9, Adpt., 10 Amend, 2003-04 Budget of Roch. Public Library, Tr. letter, 41, Pssd., 42

Auth. amend. 2002-03 and 2003-04 Community Dev. Program Plans, approp. funds for School #34 Tutoring Program and amend. Ord. No. 2003-10, Tr. letter, 75, Pub. hear., 65, Pssd., 76

Amend. proposed 2004-05 Budget in regard to resources for Community Library - \$51,600, Tr. letter, 145, Pssd., 146

Establishing max. comp. for professional svcs. agree. for new community room at Lyell Branch Library, Tr. letter, 320, Pssd., 321

LIFESPAN

Auth. agree. for Human Svcs. Programs, Tr. letter, 269, Pssd., 270

LIND STREET

Approving change in traffic flow on Lind St. from one-way westbound to one-way eastbound, Tr. letter, 132, Pub. hear., 112, Pssd., 133

LOANS

Auth. restructuring of UDAG loan for Olde Rochesterville Proj., Tr. letter, 8, Pssd., 9

Auth. amend. 2003-04 Community Dev. Program Plan and agree. for float loan for Elmgrove Place Proj., Tr. letter, 11, Pub. hear., 5, Pssd., 12

Auth. loan agree. for apartments at 271 Central Park and amend. Ord. No. 2004-7, Tr. letter, 90, Pssd., 91

Auth. agree. with Neighborhood Housing Svcs., Tr. letter, 173, Pssd., 174

Auth. agree. for fair housing lending monitoring svcs., Tr. letter, 319, Pssd., 319

Auth. agree. for lending awareness svcs., Tr. letter, 320, Pssd., 320

LOBBYING SERVICES

Establishing max. comp. for professional svcs. agree. for state lobbying svcs., Tr. letter, 134, Pssd., 134, Tr. letter, 379, Pssd., 379

LOCAL IMPROVEMENT ORDINANCE

1523 - Areaway abandonment at 316 E. Main St. and repair at 60 Liberty Pole Way as part of Achilles St. Improvement Proj., Tr. letter, 25, Pub. hear., 5, Pssd., 27

1524 - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

1525 - Snow removal at Public Mkt., Tr. letter, 60, Pub. hear., 37, Pssd., 68

1526 - Security at Public Mkt., Tr. letter, 60, Pub. hear., 37, Pssd., 61

1527 - Establishing cost of special work and svcs. related to Merchants/Winton Open Space District, Tr. letter, 94, Pub. hear., 87, Pssd., 94

1528 - Continuation of L.I.O. No. 1352 relating to Downtown Guides Program, Tr. letter, 95, Pub. hear., 87, Pssd., 95

1529 - Establishing cost of special work and svcs. related to Downtown Guides and auth. agree., Tr. letter, 95, Pub. hear., 87, Pssd., 95

1530 - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 104, Pub. hear., 88, Pssd., 104

1531 - Continuation of L.I.O. No. 1291 relating to Main St. Enhancement District, Tr. letter, 104, Pub. hear., 88, Pssd., 105

1532 - Establishing cost of special work and svcs. related to Main St. improvements, Tr. letter, 104, Pub. hear., 88, Pssd., 105

1533 - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 106, Pub. hear., 88, Pssd., 106

1534 - Continuation of L.I.O. No. 1357 relating to Culver/Merchants Commercial Parking Lot, Tr. letter, 119, Pub. hear., 112, Pssd., 120

1535 - L.I.O. - establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 120, Pub. hear., 112, Pssd., 121

1536 - L.I.O. - street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2004 and expiring June 30, 2005, Tr. letter, 151, Pssd., 157

1537 - L.I.O. - Establishment of South/Alexander Open Space Special Assessment District, Tr. letter, 253, Pub. hear., 227, Returned to committee, 253, Pub. hear., 259, Pssd., 286

LOCAL LAW

Note - Local Laws 1 and 2 were passed December 23, 2003 but were not signed by the Mayor until January 9, 2004. They appear in the 2003 Council Proceedings.

3 - Local Law amend. City Charter with respect to conflicts of interest, Tr. letter, 33, Pssd., 34

4 - Local Law amend. City Charter with respect to allocation of funding between City and City School District, Tr. letter, 139, Pssd., 140

5 - Local Law amend. City Charter with respect to fees for foreclosure, Tr. letter, 151, Pssd., 163

6 - Local Law revising boundaries of New York State Empire Zone, Tr. letter, 232, Pssd., 232

LOCUST HILL COUNTRY CLUB

Approp. funds and amend. 2003-04 Budget for Locust Hill Country Club Youth Caddie Program, Tr. letter, 96, Pssd., 97

LOGIC MODEL TRAINING

Auth. agree. for housing dev. support, Tr. letter, 172, Pssd., 173

LOOMIS STREET

Approving acq. of parcels for Project Turnaround Challenged Street Program by negotiation or condemnation, Tr. letter, 119, Pub. hear., 112, Held, 119

LU ENGINEERS

Auth. agree. for Brownfield Assistance Program, Tr. letter, 248, Pssd., 249

LYELL AREA REVITALIZATION COMMITTEE

Auth. agree. for Adopt-A-Block Program, Tr. letter, 78, Pssd., 79

LYELL AVENUE

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 104, Pub. hear., 88, Pssd., 104

L.I.O. - establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 120, Pub. hear., 112, Pssd., 121

-M-

MACON, PETER

Auth. agree. for public art at Fast Ferry Terminal, Tr. letter, 249, Pssd., 249

MAIN STREET ENHANCEMENT DISTRICT

Continuation of L.I.O. No. 1291 relating to Main St. Enhancement District, Tr. letter, 104, Pub. hear., 88, Pssd., 105

L.I.O. - Establishing cost of special work and svcs. related to Main St. improvements, Tr. letter, 104, Pub. hear., 88, Pssd., 105

MAINS, TIM O., COUNCILMEMBER

Abstained vote, Ord. No. 2004-40, p. 36; Motion to amend Int. No. 226, p. 139; Motion to amend Int. No. 226, p. 140; Local Law No. 4, p. 140; Motion to amend Int. No. 230 by substituting Int. No. 230A, p. 155; Motion to amend Int. No. 230 by substituting Int. No. 230B, p. 155; Ord. No. 2004-165, p. 156; Ord. No. 2004-166, p. 156; Ord. No. 2004-240, p. 240; Ord. No. 2004-308, p. 292

Negative vote, Ord. No. 2004-68, p. 65; Res. No. 2004-11, p. 92; Ord. No. 2004-122, p. 115; Res. No. 2004-13, p. 116; amend Int. no. 167, p. 135; Ord. No. 2004-142, p. 137; Ord. No. 2004-153, p. 147; Ord. No. 2004-154, p. 147; Ord. No. 2004-158, p. 149; Ord. No. 2004-159, p. 149; Ord. No. 2004-

160, p. 150; Ord. No. 2004-162, p. 155; Motion to discharge Int. No. 175 from committee, p. 247; Ord. No. 2004-372, p. 344; Ord. No. 2004-398, p. 368; Ord. No. 2004-404, p. 374; Ord. No. 2004-408, p. 378

Motion to amend. Int. No. 167, Failed, 135

Amend. proposed 2004-05 Budget in regard to Wordcrafters Program - \$17,100, Tr. letter, 148, Pssd., 148

Reso. of budgetary intent - NET evaluation, Tr. letter, 150, Adpt., 151

Amend. proposed 2004-05 budget in regard to transfers to Contingency Account - \$3,600,000, Tr. letter, 150, Failed in committee, 150

Amend. Chapter 8A of Mun. Code with respect to responsible bidders, Tr. letter, 290, Pssd., 291

Motion to table Int. No. 413 and move to end of meeting, Adpt., 333

MANHATTAN SQUARE

Approving lease by Roch. Urban Renewal Agency to Thyroff & Thyroff, LLC of Manhattan Sq. Tennis Bubble & Facility, Tr. letter, 131, Pub. hear., 112, Pssd., 131

MAPLEWOOD ROSE FESTIVAL

Amend. proposed 2004-05 Budget in regard to Maplewood Rose Festival - \$7,600, Tr. letter, 148, Pssd., 149

MARANTHA MISSIONARY BAPTIST CHURCH

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

Amend. Ord. No. 2004-124 relating to Emergency Shelter Grant Program, Tr. letter, 271, Pssd., 271

MARIA STREET

Amend. Ord. No. 2003-403 relating to Project Turnaround Challenged St. Program, Tr. letter, 88, Pssd., 89

Approving acq. of parcels for Project Turnaround Challenged Street Program by negotiation or condemnation, Tr. letter, 119, Pub. hear., 112, Held, 119

MARKETVIEW HEIGHTS ASSOCIATION

Auth. agree. for Adopt-A-Lot Program, approp. funds for Brown St. and amend. Ord. No. 2004-86 and 2003-04 Budget for Adopt-A-Block Program, Tr. letter, 99, Pssd., 100

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

MARRIAGE

Amend. Mun. Code with respect to fees of City Clerk, Tr. letter, 151, Pssd., 163

MARTIN, ANTHONY E.

Reso. approving appt. to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 115, Adpt., 116

MAYOR, COMMUNICATIONS FROM

Administrative cancellation or refund of erroneous taxes and charges, 5; 36; 65; 87; 112; 140; 259; 293; 316; 333; 352

Request for proposal sale - February 20, 2004, p. 5

Quarterly reports, 5; 36; 87; 112; 226; 316; 333

Owner Occupants Auction - April 6, 2004, p. 65

Public Disclosure - CDBG participation, 65
 Public Auction - June 24, 2004, p. 112
 Public Auction - November 16, 2004, p. 316

MCFADDEN, ADAM C., COUNCILMEMBER

Motion to return to committee, Int. No. 75,
 Failed, 64

Establishing Police foot and bike patrol detail
 for drug trafficking and homicide prevention and
 amend. 2003-04 Budget, Tr. letter, 86, Failed, 87

Negative vote, amend Int. no. 167, p. 135; Ord.
 No. 2004-142, p. 137; Ord. No. 2004-153, p. 147;
 Ord. No. 2004-154, p. 147; Ord. No. 2004-155, p.
 148; Ord. No. 2004-157, p. 148; Ord. No. 2004-
 158, p. 149; Ord. No. 2004-160, p. 150; Ord. No.
 2004-162, p. 155; Ord. No. 2004-163, p. 155; Ord.
 No. 2004-165, p. 156; Ord. No. 2004-166, p. 156;
 Ord. No. 2004-168, p. 159; Motion to discharge
 Int. No. 175 from committee, p. 247; Ord. No.
 2004-339, p. 316; Ord. No. 2004-404, p. 374

Motion to amend Rules of Council to allow
 speakers to speak for 30 minutes on Int. No. 226
 before Council votes on item, Failed, 139

Motion to amend Int. No. 226, Failed, 140

Amend. proposed 2004-05 Budget in regard to
 Roch. Recreation Swim Team - \$13,500, Tr. letter,
 147, Pssd., 147

Amend. proposed 2004-05 Budget in regard
 to neighborhood block parties and clean-ups -
 \$10,500, Tr. letter, 149, Pssd., 149

Amend. proposed 2004-05 budget in regard to
 transfers to Contingency Account - \$3,600,000, Tr.
 letter, 150, Failed in committee, 150

Motion to amend int. No. 227 with substitution
 of Int. No. 227L, Failed, 154

Motion to amend Int. No. 230 by substituting
 Int. No. 230B, Failed, 155

Amend. proposed 2004-05 Budget of the City
 School District - \$3,600,000, Tr. letter, 164, Failed
 in Committee, 164

Amend. proposed 2004-05 Budget of the City
 School District - \$1,200,000, Tr. letter, 164, Failed
 in Committee, 165

Abstained vote, Ord. No. 2004-313, p. 297; Ord.
 No. 2004-314, p. 298; Reso. No. 2004-22, p. 299;
 Move Int. No. 371 and 372 out of committee, p.
 324; Amend. Int. No. 371, p. 324; Ord. No. 2004-
 350, p. 325; Ord. No. 2004-351, p. 325

Amend. Mun. Code to provide for establishment
 of Drug Free Zones, Tr. letter, 380, Held, 382

MEMORANDUM OF UNDERSTANDING

Auth. Memorandum of Understanding for Gen-
 eese Commons Redevelopment Proj., Tr. letter, 73,
 Pssd., 74

MERCANTILE ADJUSTMENT BUREAU

Auth. collections agree. for Parking Violations
 Bur. and Mun. Code Violations Bur., Tr. letter, 349,
 Pssd., 350

MERCHANTS/WINTON OPEN SPACE DISTRICT

L.I.O. - Establishing cost of special work and
 svcs. related to Merchants/Winton Open Space
 District, Tr. letter, 94, Pub. hear., 87, Pssd., 94

MERMAGEN, GEORGE T.

Granting easement in Town of Canadice, Tr.
 letter, 328, Pssd., 328

MERRIMAN STREET

Changing zoning class. of 772-816 Univer-
 sity Ave. and 158 & 160 Merriman St. from R-2
 Medium Density Residential With O-O Overlay

Office, and 721-785 University Ave., 31 & 32
 Portsmouth Terrace, 127 Merriman St., 1 Oxford
 St. and 36 Rundel Park from R-2 Medium Density
 Residential to R-2 Medium Density Residential
 With O-B Overlay Boutique, Tr. letter, 362, Pub.
 hear., 353, Pssd., 364

METRO COUNCIL ON TEEN POTENTIAL

Auth. agree. for Human Svcs. Programs, Tr. letter,
 269, Pssd., 270

METZGER, BERNARD

Reso. approving appt. to Board of Stationary
 Engineers and Refrigeration Operators, Tr. letter,
 115, Adpt., 116

MIDLAND APPRAISAL ASSOCIATES, INC.

Auth. agree. for appraisal svcs., Tr. letter, 257,
 Pssd., 257

MIDTOWN PARKING GARAGE

Auth. agree. for operation of Midtown Parking
 Garage, Tr. letter, 204, Pssd., 204

MIDTOWN ROCHESTER PARKING, LLC

Auth. agree. for operation of Midtown Parking
 Garage, Tr. letter, 204, Pssd., 204

MONROE AVENUE

L.I.O. - Establishing operating and maintenance
 costs of street lighting special assessment districts,
 Tr. letter, 104, Pub. hear., 88, Pssd., 104

L.I.O. - establishing operating and maintenance
 costs of neighborhood commercial or residential
 parking areas, Tr. letter, 120, Pub. hear., 112, Pssd.,
 121

MONROE COMMUNITY COLLEGE

Establishing max. comp. for professional svcs.
 agree. with Monroe Community College for
 AmeriCorps Program, Tr. letter, 127, Pssd., 127

Auth. agree. relating to 2004 Good Grades Pay
 Program, Tr. letter, 195, Held, 196; Tr. letter, 225,
 Pssd., 226

MONROE COUNTY

Auth. amend. agree. for East End Garage reserve
 fund, Tr. letter, 7, Pssd., 8

Auth. agree. with County of Monroe for sharing
 of Geographic Information System (GIS) data files,
 Tr. letter, 53, Pssd., 54

Reso. requesting Mayor to re-open negotiations
 with Monroe County Executive regarding move-
 in move-out inspections to include wipe tests, Tr.
 letter, 234, Held, 235

Auth. agree. with respect to impaired driving
 and amend. 2004-05 Budget, Tr. letter, 256, Pssd.,
 256

Auth. agree. for Local Law Enforcement Block
 Grant Program, Tr. letter, 315, Pssd., 315

Auth. agree. with County of Monroe for funding
 under 2005 STOP DWI Program, Tr. letter, 331,
 Pssd., 331

Auth. agree. for drug enforcement demonstra-
 tion program and amend. 2004-05 Budget of Roch.
 Police Dept., Tr. letter, 351, Pssd., 351

Auth. agree. with County of Monroe with respect
 to unarraigned prisoners and forensic svcs., Tr. letter,
 355, Pssd., 356

Approving amend. agree. and by-laws for Roch.-
 Monroe County Youth Bureau, Tr. letter, 365, Pssd.,
 366

MONROE COUNTY HEALTH DEPARTMENT

Auth. agree. with respect to Underage Tobacco
 Enforcement, Tr. letter, 287, Pssd., 287

MONROE COUNTY LEGAL ASSISTANCE CORPORATION

Auth. agree. for Fair Housing Enforcement Proj., Tr. letter, 92, Pssd., 93

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 229, Pssd., 230

MONROE COUNTY PRE-DISASTER MITIGATION PLAN

Adoption of Monroe County Pre-Disaster Mitigation Plan, Tr. letter, 379, Pssd., 380

MONROE COUNTY PUBLIC SAFETY BUILDING

Auth. agree. with Unified Court System for funding for maintenance svcs., Tr. letter, 274, Pssd., 275

MONROE COUNTY WATER AUTHORITY

Auth. agree. and approp. funds for Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 206

Auth. agree. with MCWA for water testing svcs., Tr. letter, 250, Pssd., 250

MONTGOMERY NEIGHBORHOOD CENTER

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

Reso. endorsing appl. to New York Main St. Program, Tr. letter, 298, Adpt., 299

MORTGAGE DEFAULT RESOLUTION SERVICES

Amend. 2000-01, 2002-03 and 2003-04 Community Dev. Programs by transferring funds and auth. agree. for mortgage default resolution svcs., Tr. letter, 233, Pub. hear., 227, Pssd., 234

MOTOR VEHICLE THEFT & INSURANCE FRAUD PREVENTION PROGRAM

Auth. appl. and agree. for Motor Vehicle Theft & Insurance Fraud Prevention Program and amend. 2003-04 Budget, Tr. letter, 84, Pssd., 85

Auth. appl. and agree. for Motor Vehicle Theft & Insurance Fraud Prevention Program and amend. 2003-04 Budget, Tr. letter, 133, Pssd., 134

MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC.

Establishing max. comp. for agree. for 311/Call Reduction Unit and amend. 2003-04 Budget, Tr. letter, 258, Held, 259, Pssd., 292

MT. HOPE AVENUE

Auth. Memorandum of Understanding for Genesee Commons Redevelopment Proj., Tr. letter, 73, Pssd., 74

Auth. agree. with respect to Mt. Hope Ave. and East Henrietta Rd. Pub. Imp. Proj., Tr. letter, 368, Pssd., 369

MT. HOPE CEMETERY

Establishing max. comp. for agree. for columbarium unit and amend. 2003-04 Budget, Tr. letter, 22, Pssd., 22

MOVE-IN MOVE-OUT INSPECTIONS

Reso. requesting Mayor to re-open negotiations with Monroe County Executive regarding move-in move-out inspections to include wipe tests, Tr. letter, 234, Held, 235

MOYD, PERRY

Reso. approving appt. to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 115, Adpt., 116

MUNICIPAL CODE

Amend. Ord. No. 2002-201 and Mun. Code with respect to alarm user permit fees, Tr. letter, 33, Pssd., 34

Amend. Ord. No. 2002-354 and Mun. Code with respect to amusement centers, Tr. letter, 33, Pssd., 35

Amend. Chapter 40 of Mun. Code, Bldg. Constr.: Plumbing, Tr. letter, 42, Pssd., 43

Adopting requirements and standards for Planned Development District #4-Roch. Museum and Science Ctr., Tr. letter, 47, Pub. hear., 36, Pssd., 48

Adopting requirements and standards for Planned Development District #5-St. Michael's, Tr. letter, 49, Pub. hear., 36, Pssd., 50

Amend. Mun. Code with respect to taxicabs, Tr. letter, 69, Pssd., 73

Amend. Chapter 90 of Mun. Code with respect to business certificates of use, Tr. letter, 122, Held, 126

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 128, Pssd., 128

Amend. Mun. Code in order to prohibit aggressive panhandling, Tr. letter, 134, Pssd., 137

Amend. Mun. Code with respect to refuse fees, Tr. letter, 151, Pssd., 157

Amend. Mun. Code with respect to fees for parking garages, Tr. letter, 151, Pssd., 158

Amend. Mun. Code with respect to water rates, Tr. letter, 151, Pssd., 159

Amend. Mun. Code with respect to fees from City Engineer, Tr. letter, 151, Pssd., 161

Amend. Mun. Code with respect to fees for permits from Fire Chief, Tr. letter, 151, Pssd., 163

Amend. Mun. Code with respect to fees of City Clerk, Tr. letter, 151, Pssd., 163

Amend. City Code with respect to penalties for noise violations, Tr. letter, 151, Pssd., 164

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for La Marketa North Clinton Ave. Urban Renewal Proj., Tr. letter, 183, Pub. hear., 140, Pssd., 188

Amend. Mun. Code with respect to peeling paint, Tr. letter, 234, Held, 234

Amend. Mun. Code to include 72-hour written notice to neighbors before onset of housing renovations, lead abatement work, Tr. letter, 234, Held, 235

Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 235, Pub. hear., 227, Pssd., 240

Adopting requirements and standards for Planned Dev. District #6-Roch. General Hospital, Tr. letter, 240, Pub. hear., 227, Pssd., 242

Amend. Mun. Code with respect to fees for oversized and overweight vehicles, Tr. letter, 277, Pssd., 277

Amend. Chapter 8A of Mun. Code with respect to responsible bidders, Tr. letter, 290, Pssd., 291

Amend. Mun. Code with respect to taxicab fares, Tr. letter, 296, Pssd., 296

Amend. Chapter 59 of Mun. Code, Health and Sanitation, Tr. letter, 302, Pssd., 302

Amend. Mun. Code with respect to fees for evening parking at Sister Cities Garage, Tr. letter, 309, Pssd., 309

Amend. Chapter 90 of Mun. Code with respect to business certificates of use and electrical requirements, Tr. letter, 337, Pssd., 341

Amend. Mun. Code with respect to fees for evening and weekend parking at parking garages,

Tr. letter, 345, Pssd., 345
 Amend. Mun. Code with respect to fees for elevator certifications, Tr. letter, 360, Pssd., 360
 Amend. Mun. Code with respect to water rates, Tr. letter, 367, Pssd., 368
 Amend. Chapter 62 of Mun. Code with respect to solicitors, Tr. letter, 373, Pssd., 374
 Amend. Mun. Code with respect to per diem meal allowance, Tr. letter, 376, Pssd., 376
 Amend. Mun. Code to provide for establishment of Drug Free Zones, Tr. letter, 380, Held, 382

MURRAY STREET

Amend. Ord. No. 2003-298 relating to sale of real estate, Tr. letter, 6, Pssd., 7

MUSIC

Establishing \$32,000 as max. comp. for professional svcs. agree. for "Party in the Park" concerts, Tr. letter, 14, Pssd., 15
 Establishing max. comp. for professional svcs. agree. for Rhythm Nights concert series, Tr. letter, 96, Pssd., 96
 Amend. proposed 2004-05 Budget in regard to Roch. Philharmonic Orchestra - \$25,000, Tr. letter, 148, Pssd., 148
 Establishing max. comp. for professional svcs. agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 326, Pssd., 326
 Establishing max. comp. for agree. for 2005 MusicFest and amend. 2004-05 Budget, Tr. letter, 343, Pssd., 344

-N-

NET

See "Neighborhood Empowerment Teams"

NAPIER ENTERPRISES, LLC

Auth. agree. for Asset Control Area (ACA) Program, Tr. letter, 52, Held, 52, Pssd., 73

NAPIER, ROBERT D.

Auth. agree. for Asset Control Area (ACA) Program, Tr. letter, 52, Held, 52, Pssd., 73

NATIONAL ELEVATOR INSPECTION SERVICES, INC.

Auth. agree. for elevator inspection svcs., Tr. letter, 179, Pssd., 179

NATIONAL HERITAGE TRUST

Auth. agree. for Clarissa St. Reunion and amend. 2003-04 Budget, Tr. letter, 74, Pssd., 75

NAU, LOUIS

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 10, Adpt., 10

NEIGHBORHOOD BLOCK PARTIES

Amend. proposed 2004-05 Budget in regard to neighborhood block parties and clean-ups - \$10,500, Tr. letter, 149, Pssd., 149

NEIGHBORHOOD EMPOWERMENT TEAMS

Approving lease of 923-927 Genesee St. for NET Office and amend. 2003-04 Budget, Tr. letter, 44, Pssd., 44

Auth. lease agree. with Joseph D. DeGeorge for continued lease of space for Area E NET Office, Tr. letter, 114, Pssd., 115

Amend. proposed 2004-05 Budget in regard to budget of the Administration (NET) - \$163,500, Tr. letter, 150, Pssd., 150

Reso. of budgetary intent - NET evaluation, Tr.

letter, 150, Adpt., 151

Approp. funds for School #34 tutoring program, Tr. letter, 332, Pssd., 332

NEIGHBORHOOD HOUSING SERVICES

Auth. agree. with Neighborhood Housing Svcs., Tr. letter, 173, Pssd., 174

NEIGHBORS BUILDING NEIGHBORHOODS

Approp. funds and auth. agree. for Neighbors Building Neighborhoods Program, Tr. letter, 231, Pssd., 232

NEIGHBORS SHOPPING NEIGHBORHOODS

Approving business programs, Tr. letter, 177, Pssd., 179

NEW YORK MAIN STREET PROGRAM

Reso. endorsing appl. to New York Main St. Program, Tr. letter, 298, Adpt., 299

NEW YORK STATE

Auth. agree. for new playground at Adams St. Community Ctr. and amend. 2004-05 Budget, Tr. letter, 327, Pssd., 328

Auth. agree. for drug enforcement demonstration program and amend. 2004-05 Budget of Roch. Police Dept., Tr. letter, 351, Pssd., 351

NEW YORK STATE AFFORDABLE HOUSING CORPORATION

Auth. agree. and approp. funds for Rehab Roch. Program, Tr. letter, 89, Pssd., 90; Tr. letter, 115, Pssd., 115

NEW YORK STATE ARCHIVES AND RECORDS ADMINISTRATION

Auth. agree. with respect to records management and amend. 2004-05 Budget, Tr. letter, 289, Pssd., 289

NEW YORK STATE DEPARTMENT OF EDUCATION

Auth. appl. and agree. for 2004 Summer Food Service Program for Children, Tr. letter, 97, Pssd., 97

Auth. appl. and agree. relating to Roch. After School Academy II Program and amend. 2003-04 Budget, Tr. letter, 98, Pssd., 99

Auth. amend. appl. and agree. relating to Roch. After School Academy I Program and amend. 2004-05 Budget, Tr. letter, 382, Held, 383

Auth. amend. appl. and agree. relating to Roch. After School Academy II Program and amend. 2004-05 Budget, Tr. letter, 283, Held, 383

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Auth. Memorandum of Understanding for Genesee Commons Redevelopment Proj., Tr. letter, 73, Pssd., 74

Reso. in support of appl. for funding for tree plantings along Byron St. and South Ave., Tr. letter, 79, Adpt., 80

Auth. applications and agree. for Urban Forestry Management Plan and amend. 2003-04 Budget, Tr. letter, 201, Pssd., 202

NEW YORK STATE DEPARTMENT OF STATE

Auth. agree. and approp. funds for Genesee Riverway Trail Signage Proj., Tr. letter, 77, Pssd., 78

Auth. NYS Brownfields Opportunity Areas Grant Program application and agree., Tr. letter, 201, Pssd., 201

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Approving need and auth. appl. for at-grade railroad crossings as part of River St. Waterfront Public Improvement Proj., Tr. letter, 27, Pssd., 28

Auth. agree. and approp. funds for South Ave. Enhancement Proj., Tr. letter, 79, Pssd., 80

Accepting responsibility for improvements as part of West Ridge Rd. Improvement Proj., Tr. letter, 213, Pssd., 214

Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 275, Pssd., 275

Auth. agree. with respect to Mt. Hope Ave. and East Henrietta Rd. Pub. Imp. Proj., Tr. letter, 368, Pssd., 369

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

Auth. receipt of funds for In-School Youth Violence Prevention, Tr. letter, 83, Pssd., 83

Auth. appl. and agree. for Motor Vehicle Theft & Insurance Fraud Prevention Program and amend. 2003-04 Budget, Tr. letter, 84, Pssd., 85

Auth. appl. and agree. for STOP Violence Against Women program, Tr. letter, 108, Pssd., 108

Auth. appl. and agree. for Motor Vehicle Theft & Insurance Fraud Prevention Program and amend. 2003-04 Budget, Tr. letter, 133, Pssd., 134

Auth. agree. with respect to reducing youth violence and amend. 2004-05 Budget, Tr. letter, 288, Pssd., 288

Auth. application and agree. for Juvenile Accountability Block Grant, Tr. letter, 314, Pssd., 314

NEW YORK STATE EMPIRE ZONE

Local Law revising boundaries of New York State Empire Zone, Tr. letter, 232, Pssd., 232

NEW YORK STATE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND

Auth. agree. with respect to records retention analysis and amend. 2004-05 Budget, Tr. letter, 289, Pssd., 290

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 16, Pssd., 16

NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

Auth. agree. for Clarissa St. Reunion and amend. 2003-04 Budget, Tr. letter, 74, Pssd., 75

Auth. grant agree. for athletic fields and amend. 2003-04 Budget, Tr. letter, 100, Pssd., 101

NEW YORK STATE UNIFIED COURT SYSTEM

Auth. agree. with Unified Court System for funding for maintenance svcs., Tr. letter, 274, Pssd., 275

Amend. 2004-05 Budget with respect to City Court renovations, Tr. letter, 367, Pssd., 367

NEWCROFT PARK

Approving additional developer for CityScape 2004 at Newcroft Park, Tr. letter, 43, Pssd., 44

Dedication of Newcroft Park to street purposes, Tr. letter, 45, Pub. hear., 36, Pssd., 46

Auth. necessary agree. for site improvements for Newcroft Subdivision, Tr. letter, 262, Pssd., 263

Bond ord. auth. issuance of \$70,000 bonds to finance add. cost of const. of street improvements in connection with Newcroft Subdivision Proj., Tr. letter, 262, Pssd., 264

NEWPORT ALLIANCE FOR BUSINESS HEALTH

Establishing max. comp. for amend. professional svcs. agree. for continued administration of drug testing program, Tr. letter, 314, Pssd., 315

Establishing max. comp. for professional svcs. agree. for continued admin. of drug testing program, Tr. letter, 377, Pssd., 378

NOISE

Amend. City Code with respect to penalties for noise violations, Tr. letter, 151, Pssd., 164

NORTH CLINTON AVENUE

Changing zoning class. of 869 North Clinton Ave. and 355 Clifford Ave. from R-1 Low Density Residential and 873-877 and 885-891 North Clinton Ave. from C-2 Community Ctr. to Planned Development District #5-St. Michael's, Tr. letter, 49, Pub. hear., 36, Pssd., 51

Amend. Ord. No. 2003-177 relating to North Clinton Ave. Revitalization Proj., Tr. letter, 69, Pssd., 69

Approving urban renewal plan for La Marketa North Clinton Ave. Urban Renewal Proj., Tr. letter, 183, Pub. hear., 140, Pssd., 187

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for La Marketa North Clinton Ave. Urban Renewal Proj., Tr. letter, 183, Pub. hear., 140, Pssd., 188

Changing zoning class. of 804-888 North Clinton Ave. from C-2 Community Ctr., and 7, 11 and portion of 9 Sullivan St. from R-1 Low Density Residential, to La Marketa North Clinton Ave. Urban Renewal Distr., Tr. letter, 183, Pub. hear., 140, Pssd., 189

Amend. Ord. No. 2004-41 relating to sale of real estate and amend. Ord. No. 2003-177 relating to N. Clinton Ave. Revitalization Proj., Tr. letter, 260, Pssd., 262

NORTH EAST AREA DEVELOPMENT

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

Auth. agree. relating to Roch. After School Academy Program, Tr. letter, 194, Pssd., 195

Reso. endorsing appl. to New York Main St. Program, Tr. letter, 298, Adpt., 299

Auth. amend. appl. and agree. relating to Roch. After School Academy I Program and amend. 2004-05 Budget, Tr. letter, 382, Held, 383

NORTH EAST BLOCK CLUB ALLIANCE

Auth. agree. for Adopt-A-Block Program, Tr. letter, 78, Pssd., 79

Auth. agree. for Adopt-A-Lot Program, approp. funds for Brown St. and amend. Ord. No. 2004-86 and 2003-04 Budget for Adopt-A-Block Program, Tr. letter, 99, Pssd., 100

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

NORTH EAST NEIGHBORHOOD ALLIANCE COMMUNITY LAND CORPORATION

Auth. loan agree. for apartments at 271 Central Park and amend. Ord. No. 2004-7, Tr. letter, 90, Pssd., 91

NORTH GOODMAN STREET

Changing zoning class. of 4-8 N. Goodman St. and 610, 630 and 666 East Ave. from Institutional Planned Dev. #16 to R-3 High Density Residential, Tr. letter, 12, Pub. hear., 5, 13

NORTH RIVER STREET

Naming of new streets previously dedicated at Port of Rochester by Ord. No. 2002-136 as Corrigan St., N. River St. and Portside Dr., Tr. letter, 27, Pub. hear., 5, Pssd., 29

NORTH STREET

L.I.O. - establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 120, Pub. hear., 112, Pssd., 121

NORTH STREET COMMUNITY CENTER

Auth. lease agree. for North St. Community Ctr., Tr. letter, 69, Pssd., 69

NORTH WASHINGTON STREET

Auth. lease of 70 N. Washington St., Tr. letter, 91, Pssd., 91

Auth. acq. by negotiation or condemnation of 64 North Washington St. to further Cascade Area Urban Renewal Plan, Tr. letter, 242, Pub. hear., 227, Held, 243, Pssd., 267

Auth. sale of 64 and 70 North Washington St. to further Cascade Area Urban Renewal Plan, Tr. letter, 242, Held, 243, Pssd., 267

Bond ord. auth. issuance of \$236,000 bonds to finance cost of acq. of realty within Cascade Urban Renewal Area, Tr. letter, 242, Held, 244, Pssd., 267

Determination and findings related to acq. of 64 N. Washington St., Tr. letter, 266, Pssd., 267

NORTHEAST NEIGHBORHOOD ALLIANCE

Auth. agree. for Human Svcs. Proj., Tr. letter, 126, Pssd., 127

NORTHWEST COMMUNITY SERVICES

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

NORTHTRUP GRUMMAN PUBLIC SAFETY INC.

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr., Tr. letter, 63, Pssd., 64

NORTON STREET

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 104, Pub. hear., 88, Pssd., 104

L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 106, Pub. hear., 88, Pssd., 106

Establishing max. comp. for professional svcs. agree. for preliminary design svcs. for Norton St. Imp. Proj., Tr. letter, 369, Pssd., 369

NORWOOD, WADE S., COUNCILMEMBER

Motion to amend, Int. No. 45, Adpt., 38; Int. No. 81, Adpt., 66; Int. No. 86, Adpt., 70; Int. No. 371, Adpt., 324

Negative vote, motion to return Int. No. 75 to committee, 64; Ord. No. 2004-114, p. 108; amend Int. no. 167, p. 135; motion to amend Int. No. 227 with substitution of Int. No. 227L, p. 154; Motion to

amend Int. No. 230 by substituting Int. No. 230A, p. 155; Motion to amend Int. No. 230 by substituting Int. No. 230B, p. 155; Ord. No. 2004-309, p. 292

Amend. Mun. Code with respect to taxicabs, Tr. letter, 69, Pssd., 73

Motion to return to committee, Int. No. 142, Adpt., 119

Presentation of petition submitted by area residents opposing the Wegmans Supermarket construction on Elmwood Avenue, 140

Amend. proposed 2004-05 Budget in regard to neighborhood block parties and clean-ups - \$10,500, Tr. letter, 149, Pssd., 149

Amend. proposed 2004-05 Budget in regard to budget of the Administration (NET) - \$163,500, Tr. letter, 150, Pssd., 150

Motion to move out of committee, Int. No. 371 and 372, Adpt., 324

Amend. Chapter 90 of Mun. Code with respect to business certificates of use and electrical requirements, Tr. letter, 337, Pssd., 341

Motion to remove Int. No. 413 from table, Adpt., 352

Motion to amend Int. No. 413, Adpt., 352

Transmittal letter proposing amendments to Int. No. 446, p. 354

Establishing max. comp. for professional svcs. agree. with TranSystems Corp. for review of proposed business plan for Fast Ferry Proj. - \$30,000, Tr. letter, 361, Pssd., 362

NUNDA BOULEVARD

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

NYE PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

-O-

O'BRIEN & GERE

Establishing max. comp. for professional svcs. agree. for Conduit Modernization Proj., Tr. letter, 272, Pssd., 273

OFFICIAL MAP

Naming of new streets previously dedicated at Port of Rochester by Ord. No. 2002-136 as Corrigan St., N. River St. and Portside Dr., Tr. letter, 27, Pub. hear., 5, Pssd., 29

Dedication and abandonment of parcels as part of West Ridge Rd. Pub. Improvement Proj., Tr. letter, 213, Pub. hear., 141, Pssd., 220

Dedication of parcels to street purposes as part of S. Plymouth Ave. Public Improvement Proj., Tr. letter, 280, Pub. hear., 260, Pssd., 284

Abandonment of portion of Bartlett St., Tr. letter, 280, Pub. hear., 260, Pssd., 285

Abandonment of School Alley from West Broad St. to its sound end and approving quit claim deed and easements, Tr. letter, 310, Pub. hear., 293, Pssd., 310

OFFICIAL NEWSPAPERS

Designating official newspapers of City of Roch. for years 2004-05, Pssd., 4

OLDE ROCHESTERVILLE

Auth. restructuring of UDAG loan for Olde Rochesterille Proj., Tr. letter, 8, Pssd., 9

OLEAN & KENNEDY REVITALIZATION PROJECT

Auth. agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 265, Pssd., 266

Auth. sale of real estate and agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 299, Pssd., 300

Approving property tax exemption and auth. in-lieu-of-tax agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 299, Pssd., 301

Amend. Ord. No. 2004-316 relating to tax exemption for Olean & Kennedy Revitalization Proj., Tr. letter, 336, Pssd., 337

Amend. Ord. No. 2004-315 relating to Olean & Kennedy Revitalization Proj., Tr. letter, 336, Pssd., 337

OPTIMIZATION TECHNOLOGY, INC.

Auth. extension of agree. for water automation system svcs., Tr. letter, 250, Pssd., 251

ORDINANCES AMENDED

Amend. Ord. No. 2003-298 relating to sale of real estate, Tr. letter, 6, Pssd., 7

Amend. Ord. No. 2003-342, 2003-14 and 2003-195 to cancel taxes on parcels acq. for W. Ridge Rd. Improvement Proj., Tr. letter, 19, Pssd., 21

Auth. acq. of parcels, amend. Ord. No. 2003-14 and approp. funds for W. Ridge Rd. Improvement Proj., Tr. letter, 19, Pssd., 22

Approving amend. professional svcs. agree. for River St. Waterfront Pub. Improvement Proj., approp. funds and amend. Ord. No. 2002-49 and 2002-50, Tr. letter, 27, Pssd., 28

Amend. Ord. No. 2002-201 and Mun. Code with respect to alarm user permit fees, Tr. letter, 33, Pssd., 34

Amend. Ord. No. 2002-354 and Mun. Code with respect to amusement centers, Tr. letter, 33, Pssd., 35

Auth. sale of real estate and amend. Ord. No. 2003-28 relating to tax exemption for Providence Rental Housing Proj., Tr. letter, 40, Pssd., 41

Amend. Ord. No. 2003-25 relating to rental housing proj., Tr. letter, 40, Pssd., 41

Auth. amend. agree. for housing program arbitration svcs. and amend. Ord. No. 2003-25, Tr. letter, 67, Pssd., 68

Amend. Ord. No. 2003-177 relating to North Clinton Ave. Revitalization Proj., Tr. letter, 69, Pssd., 69

Auth. amend. 2002-03 and 2003-04 Community Dev. Program Plans, approp. funds for School #34 Tutoring Program and amend. Ord. No. 2003-10, Tr. letter, 75, Pub. hear., 65, Pssd., 76

Amend. Ord. No. 2003-403 relating to Project Turnaround Challenged St. Program, Tr. letter, 88, Pssd., 89

Auth. loan agree. for apartments at 271 Central Park and amend. Ord. No. 2004-7, Tr. letter, 90, Pssd., 91

Auth. agree. for Adopt-A-Lot Program, approp. funds for Brown St. and amend. Ord. No. 2004-86 and 2003-04 Budget for Adopt-A-Block Program, Tr. letter, 99, Pssd., 100

Amend. Ord. No. 2004-41 relating to sale of real estate, Tr. Letter, 113, Pssd., 114

Establishing max. comp. for professional svcs. agree. for design and inspection of replacement of water supply conduit and amend. Ord. No. 2003-56 and 2003-57 relating to Lake Ave. Improvement Proj., Tr. letter, 129, Pssd., 130

Amend. Ord. No. 2004-41 and 2003-159 relating to sale of real estate, Tr. letter, 166, Pssd., 166

Amend. Ord. No. 2004-41 relating to sale of real estate and amend. Ord. No. 2003-177 relating to N. Clinton Ave. Revitalization Proj., Tr. letter, 260, Pssd., 262

Amend. Ord. No. 2004-12 relating to Adolescent Pregnancy Prevention Program, Tr. letter, 271, Pssd., 271

Amend. Ord. No. 2004-124 relating to Emergency Shelter Grant Program, Tr. letter, 271, Pssd., 271

Amend. Ord. No. 2002-368 relating to changes in pav. width of S. Plymouth Ave. and Bartlett St. and at intersection of S. Plymouth Ave. with Ford St. and Bartlett St., Tr. letter, 280, Pub. hear., 260, Pssd., 282

Amend. Ord. No. 2004-232 relating to Good Grades Pay Program, Tr. letter, 286, Pssd., 286

Auth. sale of real estate and amend. Ord. No. 2004-313, Tr. Letter, 323, Pssd., 325

Amend. ord. relating to relating to sale of real estate, Tr. letter, 323, Pssd., 325

Amend. Ord. No. 2004-316 relating to tax exemption for Olean & Kennedy Revitalization Proj., Tr. letter, 336, Pssd., 337

Amend. Ord. No. 2004-315 relating to Olean & Kennedy Revitalization Proj., Tr. letter, 336, Pssd., 337

ORIOLE STREET

Approving changes in traffic flow on Canary St., Lark St., Holmes St., Oriole St. and Finch St. and increase in pav. width of Lark St., Tr. letter, 22, Pub. hear., 5, Pssd., 24

OVERSIZED AND OVERWEIGHT VEHICLES

Amend. Mun. Code with respect to fees for oversized and overweight vehicles, Tr. letter, 277, Pssd., 277

OXFORD HOUSE

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

OXFORD STREET

Changing zoning class. of 657 East Ave., 10 and 14-22 South Goodman St., 209 and 215 Oxford St. and 276-282 Park Ave. from Institutional Planned Development District #7 and 203 Oxford St. from R-3 High Density Residential to Planned Development District #4-Roch. Museum and Science Ctr., Tr. letter, 47, Pub. hear., 36, Pssd., 49

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

Changing zoning class. of 772-816 University Ave. and 158 & 160 Merriman St. from R-2 Medium Density Residential With O-O Overlay Office, and 721-785 University Ave., 31 & 32 Portsmouth Terrace, 127 Merriman St., 1 Oxford St. and 36 Rundel Park from R-2 Medium Density Residential to R-2 Medium Density Residential With O-B Overlay Boutique, Tr. letter, 362, Pub. hear., 353, Pssd., 364

-P-

PAINT

Amend. Mun. Code with respect to peeling paint, Tr., letter, 234, Held, 234

Amend. Mun. Code to include 72-hour written notice to neighbors before onset of housing renovations, lead abatement work, Tr. letter, 234, Held, 235

Reso. requesting Mayor to re-open negotiations with Monroe County Executive regarding move-in move-out inspections to include wipe tests, Tr. letter, 234, Held, 235

PANHANDLING

Amend. Mun. Code in order to prohibit aggressive panhandling, Tr. letter, 134, Pssd., 137

PARK AVENUE

Changing zoning class. of 657 East Ave., 10 and 14-22 South Goodman St., 209 and 215 Oxford St. and 276-282 Park Ave. from Institutional Planned Development District #7 and 203 Oxford St. from R-3 High Density Residential to Planned Development District #4-Roch. Museum and Science Ctr., Tr. letter, 47, Pub. hear., 36, Pssd., 49

PARKER, JEFF

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 10, Adpt., 10

PARKER PLACE

L.I.O. - establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 120, Pub. hear., 112, Pssd., 121

PARKING GARAGES/LOTS

Auth. amend. agree. for East End Garage reserve fund, Tr. letter, 7, Pssd., 8

Auth. agree. for operation of Washington Sq. Garage and Wadsworth Sq. Parking Lot, Tr. letter, 19, Pssd., 19

Establishing max. comp. for professional svcs. agree. for engineering design svcs. for South Ave. Garage Rehab. Proj., Tr. letter, 55, Pssd., 56

Bond ord. auth. issuance of \$310,000 bonds to finance cost of planning and implementing design of structural improvements to South Ave. Parking Garage, Tr. letter, 55, Pssd., 57

Auth. agree. for operation of South Ave. Parking Garage, Tr. letter, 80, Pssd., 82

Continuation of L.I.O. No. 1357 relating to Culver/Merchants Commercial Parking Lot, Tr. letter, 119, Pub. hear., 112, Pssd., 120

L.I.O. - establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 120, Pub. hear., 112, Pssd., 121

Amend. Mun. Code with respect to fees for parking garages, Tr. letter, 151, Pssd., 158

Auth. agree. for operation of Midtown Parking Garage, Tr. letter, 204, Pssd., 204

Approving lease of 578 Chili Ave., Tr. letter, 262, Pssd., 262

Amend. Mun. Code with respect to fees for evening parking at Sister Cities Garage, Tr. letter, 309, Pssd., 309

Auth. agree. for operation of High Falls Parking Garage, Tr. letter, 309, Pssd., 309

Auth. property exchange for parking for Enrico Fermi School No. 17, Tr. letter, 318, Pssd., 319

Amend. Mun. Code with respect to fees for evening and weekend parking at parking garages, Tr. letter, 345, Pssd., 345

PARKING AND MUNICIPAL VIOLATIONS BUREAU

Auth. collections agree. for Parking Violations Bur. and Mun. Code Violations Bur., Tr. letter, 349, Pssd., 350

PARKS/PLAYGROUNDS

Auth. grant agree. for athletic fields and amend. 2003-04 Budget, Tr. letter, 100, Pssd., 101

Bond ord. auth. issuance of \$400,000 bonds to finance cost of Fourth and Peck Park, Farmington Park and Verona Playground Improvement Proj., Tr. letter, 103, Pssd., 104

Amend. proposed 2004-05 Budget in regard to Maplewood Rose Festival - \$7,600, Tr. letter, 148, Pssd., 149

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for park improvements, Tr. letter, 251, Pssd., 251

Auth. agree. for new playground at Adams St. Community Ctr. and amend. 2004-05 Budget, Tr. letter, 327, Pssd., 328

PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Reports of, 17; 53; 77; 99; 127; 196; 247; 271; 302; 327; 344; 366

PARKS, RECREATION AND HUMAN SERVICES DEPARTMENT

Auth. agree. and amend. 2003-04 Budget of Dept. of Parks, Rec. and Human Svcs., Tr. letter, 75, Pssd., 75

Bond ord. auth. issuance of \$264,900 bonds to finance cost of certain motorized equipment for City use, Tr. letter, 252, Pssd., 253

PARKVIEW APARTMENTS

Approving property tax exemption and in-lieu-of-tax agree. for Parkview Apts., Tr. letter, 360, Pssd., 361

PARTNERS FOR LIVABLE COMMUNITIES

Amend. 2002-03 Community Dev. Program by transferring fund to new acct. for Aging In Place Proj. and auth. agree., Tr. letter, 93, Pub. hear., 87, Pssd., 94

PARTY IN THE PARK

Establishing \$32,000 as max. comp. for professional svcs. agree. for "Party in the Park" concerts, Tr. letter, 14, Pssd., 15

PASSERO ASSOCIATES

Auth. agree. for Brownfield Assistance Program, Tr. letter, 248, Pssd., 249

PATRICK, JAMES

Reso. approving reappointment to City Planning Commission, Tr. letter, 41, Adpt., 41

PAVEMENT WIDTH CHANGES

See "Streets"

PETITIONS AND REMONSTRANCES

Petition with 43 signatures opposing taxi changes in Taxicab Legislation, presented by President Giess, 65

Petition submitted by area residents opposing the Wegmans Supermarket construction on Elmwood Avenue, presented by Councilmember Norwood, 140

Petition submitted by residents of Roch. area opposing use of 56 Stutson St. as BBQ restaurant, presented by Councilmember Stevenson, 226

Petition submitted by N. Clinton Business Assn. in favor of the expanded Certificate of Use legislation, presented by President Giess, 259

Signatures from residents of the City of Roch. opposing Vending Legislation to stop food vendors from selling food between the hours of midnight and 5:00 a.m., presented by President Giess, 353

PETTEN STREET

Auth. acq. by negotiation or condemnation of fee and easements at 50 Hughes Place (a.k.a. 0 Petten St.) for Genesee Riverway Trail, Tr. letter, 346, Pub. hear., 333, Held, 348, Pssd., 373

Determinations and findings related to acq. of fee and easements at 50 Hughes Place (A.K.A. 0 Petten St.) for Genesee Riverway Trail Proj., Tr. letter, 372, Pssd., 372

PICTURE FEST, INTERNATIONAL

Establishing max. comp. for professional svcs. agree. for film festival, Tr. letter, 301, Pssd., 302

PLANNING, BUREAU OF

Approp. funds for design intern program, Tr. letter, 321, Pssd., 322

PLAYGROUNDS

See "Parks/Playgrounds"

PLUMBING

Amend. Chapter 40 of Mun. Code, Bldg. Constr.: Plumbing, Tr. letter, 42, Pssd., 43

POLICE

Establishing max. comp. for amend. professional svcs. agree. for Police-Community Relationships Study, Tr. letter, 31, Pssd., 31

Auth. an application and agree. with respect to unsafe driving and amend. 2003-04 Budget, Tr. letter, 31, Pssd., 32

Approving participation in Greater Roch. Area Narcotics Team and amend. 2003-04 Budget by approp. forfeiture funds, Tr. letter, 32, Pssd., 32

Amend. 2003-04 Budget by approp. forfeiture funds, Tr. letter, 85, Pssd., 85

Bond ord. auth. issuance of \$230,000 bonds to finance cost of certain police vehicles for Roch. Police Dept., Tr. letter, 85, Pssd., 86

Establishing Police foot and bike patrol detail for drug trafficking and homicide prevention and amend. 2003-04 Budget, Tr. letter, 86, Failed, 87

Auth. appl. and agree. with respect to TraCS Proj. and amend. 2003-04 Budget, Tr. letter, 107, Pssd., 108

Bond ord. auth. issuance of \$733,000 bonds to finance cost of upgrading computer system of Roch. Police Dept., Tr. letter, 108, Pssd., 109

Auth. amend. agree. for pilot drug control proj., approp. funds and amend. 2003-04 Budget, Tr. letter, 110, Pssd., 111

Auth. lease agree. for Police section offices, Tr. letter, 111, Pssd., 112

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 143, Pssd., 144

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Police Dept., Tr. letter, 144, Pssd., 144

Amend. proposed 2004-05 Budget in regard to add. police recruits, Tr. letter, 146, Pssd., 147

Amend. proposed 2004-05 Budget in regard to add. police recruits - \$137,500, Tr. letter, 146, Pssd., 147

Auth. appl. and agree. for Local Law Enforcement Block Grant Program, Tr. letter, 254, Pssd., 255

Auth. agree. with respect to impaired driving and amend. 2004-05 Budget, Tr. letter, 256, Pssd., 256

Establishing max. comp. for professional svcs. agree. for modifications to the Police Records System, Tr. letter, 256, Pssd., 256

Establishing max. comp. for agree. for 311/Call Reduction Unit and amend. 2003-04 Budget, Tr. letter, 258, Held, 259, Pssd., 292

Approving East Side Police Section lease and amend. 2004-05 Budget, Tr. letter, 311, Pssd., 312

Auth. Police grant agree. or extensions and

amend. 2004-05 Budget, Tr. letter, 312, Pssd., 313

Approving participation in Greater Roch. Area Narcotics Team and amend. 2004-05 Budget by approp. forfeiture funds, Tr. letter, 313, Pssd., 314

Amend. 2004-05 Budget with respect to Youth Violence Strike Force, Tr. letter, 315, Pssd., 315

Auth. agree. for drug enforcement demonstration program and amend. 2004-05 Budget of Roch. Police Dept., Tr. letter, 351, Pssd., 351

Auth. agree. with County of Monroe with respect to unarraigned prisoners and forensic svcs., Tr. letter, 355, Pssd., 356

PORT OF ROCHESTER

Approving need and auth. appl. for at-grade railroad crossings as part of River St. Waterfront Public Improvement Proj., Tr. letter, 27, Pssd., 28

Naming of new streets previously dedicated at Port of Rochester by Ord. No. 2002-136 as Corrigan St., N. River St. and Portside Dr., Tr. letter, 27, Pub. hear., 5, Pssd., 29

Auth. agree. for harbor master and for War Memorial oversight and amend. 2004-05 Budget, Tr. letter, 249, Pssd., 250

Auth. agree. for Port of Roch. Security/Intelligent Transportation System Proj. and approp. funds, Tr. letter, 279, Pssd., 280

PORTSIDE DRIVE

Naming of new streets previously dedicated at Port of Rochester by Ord. No. 2002-136 as Corrigan St., N. River St. and Portside Dr., Tr. letter, 27, Pub. hear., 5, Pssd., 29

PORTSMOUTH TERRACE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

Changing zoning class. of 772-816 University Ave. and 158 & 160 Merriman St. from R-2 Medium Density Residential With O-O Overlay Office, and 721-785 University Ave., 31 & 32 Portsmouth Terrace, 127 Merriman St., 1 Oxford St. and 36 Rundel Park from R-2 Medium Density Residential to R-2 Medium Density Residential With O-B Overlay Boutique, Tr. letter, 362, Pub. hear., 353, Pssd., 364

POST AVENUE

Approving increases in pav. width of Post Ave., Tr. letter, 25, Pub. hear., 5, Pssd., 25

PRE-DEVELOPMENT GRANTS

Approving business programs, Tr. letter, 177, Pssd., 179

PRESERVE AMERICA

Reso. in support of Preserve America application, Tr. letter, 322, Adpt., 322

PRITCHARD, WILLIAM F., COUNCILMEMBER

Negative vote, amend Int. no. 167, p. 135; Ord. No. 2004-372, p. 344

Amend. proposed 2004-05 Budget in regard to industrial dev. - \$20,000, Tr. letter, 149, Pssd., 150

Amend. proposed 2004-05 Budget in regard to budget of the Administration (NET) - \$163,500, Tr. letter, 150, Pssd., 150

Reso. of budgetary intent - NET evaluation, Tr. letter, 150, Adpt., 151

Amend. proposed 2004-05 Budget in regard to transfers to Contingency Account - \$3,600,000, Tr. letter, 150, Failed in committee, 150

Amend. proposed 2004-05 Budget of the City

School District - \$3,600,000, Tr. letter, 164, Failed in Committee, 164

Motion to return Int. No. 291, 292 and 293 to committee, Adpt., 242

Motion to discharge Int. No. 175 from committee, Failed, 247

Amend. Chapter 90 of Mun. Code with respect to business certificates of use and electrical requirements, Tr. letter, 337, Pssd., 341

Motion to amend Int. No. 444, Adpt., 373

PROJECT BASE

Approving applications, agree. and 2004 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 83, Pssd., 84

PROJECT ODYSSEY

Approving applications, agree. and 2004 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 83, Pssd., 84

PROJECT TURNAROUND

Amend. Ord. No. 2003-403 relating to Project Turnaround Challenged St. Program, Tr. letter, 88, Pssd., 89

Approving acq. of parcels for Project Turnaround Challenged Street Program by negotiation or condemnation, Tr. letter, 119, Pub. hear., 112, Held, 119, Pssd., 182

Determination and findings related to acq. of three properties as part of Project Turnaround, Tr. letter, 181, Pssd., 182

Amend. ord. relating to relating to sale of real estate, Tr. letter, 323, Pssd., 325

PROPERTY MANAGEMENT SERVICES

Auth. agree. for property management svcs., Tr. letter, 39, Pssd., 40

Auth. agree. for Asset Control Area (ACA) Program, Tr. letter, 52, Held, 52, Pssd., 73

PROVIDENCE CORNERSTONE DEVELOPERS, LLC

Auth. agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 265, Pssd., 266

PROVIDENCE HOUSING DEVELOPMENT CORPORATION

Auth. sale of real estate and amend. Ord. No. 2003-28 relating to tax exemption for Providence Rental Housing Proj., Tr. letter, 40, Pssd., 41

PROVIDENCE NORTHSTAR HOUSING DEVELOPMENT FUND CORPORATION

Amend. Ord. No. 2003-25 relating to rental housing proj., Tr. letter, 40, Pssd., 41

PROVIDENCE RENTAL HOUSING PROJECT

Auth. sale of real estate and amend. Ord. No. 2003-28 relating to tax exemption for Providence Rental Housing Proj., Tr. letter, 40, Pssd., 41

PSYCHOLOGICAL EVALUATION SERVICES

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Police Dept., Tr. letter, 144, Pssd., 144

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Fire Dept., Tr. letter, 145, Pssd., 145

PUBLIC HEARINGS

Held, 5; 36; 65; 87; 112; 139; 140; 227; 259; 293; 316; 333

PUBLIC INTEREST LAW OFFICE OF ROCHESTER, INC.

Auth. agree. for fair housing lending monitoring

svcs., Tr. letter, 319, Pssd., 319

Auth. agree. for lending awareness svcs., Tr. letter, 320, Pssd., 320

PUBLIC MARKET

L.I.O. - Snow removal at Public Mkt., Tr. letter, 60, Pub. hear., 37, Pssd., 68

L.I.O. - Security at Public Mkt., Tr. letter, 60, Pub. hear., 37, Pssd., 61

Establishing max. comp. for amend. professional svcs. agree. for Roch. Public Mkt., Tr. letter, 328, Pssd., 328

PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Reports of, 13; 52; 74; 95; 126; 192; 245; 269; 301; 325; 341; 364

PUERTO RICAN YOUTH DEVELOPMENT

Auth. agree. relating to Roch. After School Academy Program, Tr. letter, 194, Pssd., 195

Auth. agree. relating to 2004 Good Grades Pay Program, Tr. letter, 195, Held, 196; Tr. letter, 225, Pssd., 226

-Q-

QUAD A FOR KIDS

Auth. agree. and amend. 2003-04 Budget of Dept. of Parks, Rec. and Human Svcs., Tr. letter, 75, Pssd., 75

Auth. agree. for Human Svcs. Programs, Tr. letter, 269, Pssd., 270

-R-

RASA

See "Rochester After School Academy Program"

RAILROAD CROSSING

Approving need and authorizing application for at-grade railroad crossings as part of River St. Waterfront Public Improvement Proj., Tr. letter, 27, Pssd., 28

RAINES PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

REAL ESTATE, ACQUISITION OF

Auth. acq. of parcels, amend. Ord. No. 2003-14 and approp. funds for W. Ridge Rd. Improvement Proj., Tr. letter, 19, Pssd., 22

Auth. acq. by negotiation or condemnation of parcels and permanent easements for Lexington Ave. Improvement Proj., Tr. letter, 22, Pssd., 24

Approving acq. of parcel for Fulton Ave. Challenged St. Proj., Tr. letter, 91, Pssd., 91

Approving acq. of parcels for Project Turnaround Challenged Street Program by negotiation or condemnation, Tr. letter, 119, Pub. hear., 112, Held, 119, Pssd., 182

Determination and findings related to acq. of three properties as part of Project Turnaround, Tr. letter, 181, Pssd., 182

Auth. acq. by negotiation or condemnation of 64 North Washington St. to further Cascade Area Urban Renewal Plan, Tr. letter, 242, Pub. hear., 227, Held, 243, Pssd., 267

Bond ord. auth. issuance of \$236,000 bonds to finance cost of acq. of realty within Cascade Urban Renewal Area, Tr. letter, 242, Held, 244, Pssd., 267

Determination and findings related to acq. of 64

N. Washington St., Tr. letter, 266, Pssd., 267
Bond ord. auth. issuance of \$70,000 bonds to finance cost of acq. of land and easements for const. of portion of Genesee Riverway Trail from Turning Point Park to Petten st., Tr. letter 346, Pssd., 348

REAL ESTATE, DEDICATION OF

Approving dedication of portions of 900 West Broad St. and 242-248 Jay St. to street purposes as part of West Broad St. Improvement Proj., Pub. hear., 65

Approving dedication of portions of 900 West Broad St. and 242-248 Jay St. to street purposes as part of West Broad St. Pub. Imp. Proj., Tr. letter, 220, Pub. hear., 141, Pssd., 222

Dedication of parcels to street purposes as part of S. Plymouth Ave. Public Improvement Proj., Tr. letter, 280, Pub. hear., 260, Pssd., 284

REAL ESTATE, DONATION OF

Accepting donation of real estate, Tr. letter, 166, Pssd., 167; Tr. letter, 295, Pssd., 296

REAL ESTATE, EXCHANGE OF

Auth. property exchange for parking for Enrico Fermi School No. 17, Tr. letter, 318, Pssd., 319

REAL ESTATE MARKETING INITIATIVE

Auth. agree. for real estate marketing initiative, Tr. letter, 180, Pssd., 180

REAL ESTATE, SALE OF

Auth. sale of real estate, Tr. letter, 6, Pssd., 7; Tr. letter, 66, Pssd., 67; Tr. letter, 88, Pssd., 89; Tr. Letter, 113, Pssd., 114; Tr. letter, 113, Held, 114, Pssd., 183; Tr. letter, 166, Pssd., 166; Tr. letter, 228, Pssd., 229; Tr. letter, 260, Pssd., 261; Tr. letter, 293, Pssd., 295; Tr. letter, 334, Pssd., 335; Tr. letter, 356, Pssd., 357

Amend. Ord. No. 2003-298 relating to sale of real estate, Tr. letter, 6, Pssd., 7

Auth. sale of real estate and release of portion of easement, Tr. letter, 37, Pssd., 39

Auth. sale of real estate and amend. Ord. No. 2003-28 relating to tax exemption for Providence Rental Housing Proj., Tr. letter, 40, Pssd., 41

Approving sale of 923-925 and 927 Genesee St. in Brooks Landing Urban Renewal Proj., Tr. letter, 44, Pssd., 45

Amend. Ord. No. 2004-41 relating to sale of real estate, Tr. letter, 113, Pssd., 114

Amend. Ord. No. 2004-41 and 2003-159 relating to sale of real estate, Tr. letter, 166, Pssd., 166

Auth. sale of 56 Stutson St., Tr. letter, 191, Held, 191, Pssd., 268

Auth. sale of 64 and 70 North Washington St. to further Cascade Area Urban Renewal Plan, Tr. letter, 242, Held, 243, Pssd., 267

Amend. Ord. No. 2004-41 relating to sale of real estate and amend. Ord. No. 2003-177 relating to N. Clinton Ave. Revitalization Proj., Tr. letter, 260, Pssd., 262

Auth. sale of 951 and 953 Genesee St., Tr. letter, 296, Pssd., 297

Auth. sale of real estate and agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 299, Pssd., 300

Auth. sale of real estate for Rexford Place Affordable Housing Proj., Tr. letter, 317, Pssd., 318

Auth. sale of real estate and amend. Ord. No. 2004-313, Tr. Letter, 323, Pssd., 325

Amend. ord. relating to relating to sale of real estate, Tr. letter, 323, Pssd., 325

REBHOLZ, STEVEN V.

Reso. approving appt. to City Planning Com-

mission, Tr. letter, 182, Adpt., 183

RECOGNITION CEREMONIES

Held, 5; 36; 87, 112; 140; 226; 259; 293; 316; 333; 352

RECORDS

Auth. agree. with respect to records management and amend. 2004-05 Budget, Tr. letter, 289, Pssd., 289

Auth. agree. with respect to records retention analysis and amend. 2004-05 Budget, Tr. letter, 289, Pssd., 290

REFEREES

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 303, Pssd., 303

REFUSE

Adpt. of budget estimates for municipal purposes for 2004-05 fiscal year, approp. of sums set forth therein and approving commercial refuse fees, Tr. letter, 151, Pssd., 155

Amend. Mun. Code with respect to refuse fees, Tr. letter, 151, Pssd., 157

Auth. agree. with Roch. Housing Auth. for refuse collection, Tr. letter, 275, Pssd., 276

REHAB ROCHESTER PROGRAM

Auth. agree. and approp. funds for Rehab Roch. Program, Tr. letter, 89, Pssd., 90; Tr. letter, 115, Pssd., 115

RESIDENT PROJECT REPRESENTATION

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. and approp. funds for West Ridge Rd. Improvement Proj., Tr. letter, 57, Pssd., 58

Auth. agree. and approp. funds for South Ave. Enhancement Proj., Tr. letter, 79, Pssd., 80

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 209

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 224

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for park improvements, Tr. letter, 251, Pssd., 251

Establishing max. comp. for professional svcs. agree. for construction resident proj. representation svcs., Tr. letter, 276, Pssd., 277

Establishing max. comp. for professional svcs. agree. for S. Plymouth Ave. Public Improvement Proj. and approp. funds, Tr. letter, 280, Pssd., 284

Auth. agree. for West Ridge Rd. Pub. Imp. Proj. and approp. funds, Tr. letter, 303, Pssd., 304

Establishing max. comp. for professional svcs. agree. for River St. Waterfront Pub. Imp. Proj., Tr. letter, 306, Pssd., 308

Establishing max. comp. for amend. professional svcs. agree. for Elmwood Ave. Bridge rehab. proj., approp. funds and amend. 2004-05 Budget, Tr. letter, 345, Pssd., 346

RESIDENTIAL ASSISTANCE PROGRAM

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

RESOLUTIONS

2004-1 - Reso. for nomination and selection of President for Roch. City Council, Adpt., 1

2004-2 - Reso. for nomination and selection of Vice President for Roch. City Council, Adpt., 1
 2004-3 - Reso. for selection and appt. of City Clerk, Adpt., 1
 2004-4 - Reso. adpt. Rules of Council, Adpt., 1
 2004-5 - Reso. approving reappointments to Roch. Public Library Board of Trustees, Tr. letter, 9, Adpt., 10
 2004-6 - Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 10, Adpt., 10
 2004-7 - Reso. approving reappointment to Roch. Preservation Board, Tr. letter, 41, Adpt., 41
 2004-8 - Reso. approving reappointment to City Planning Commission, Tr. letter, 41, Adpt., 41
 2004-9 - Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 46, Pub. hear., 36, Adpt., 47
 2004-10 - Reso. in support of appl. for funding for tree plantings along Byron St. and South Ave., Tr. letter, 79, Adpt., 80
 2004-11 - Reso. approving appt. to Roch. Environmental Commission, Tr. letter, 92, Adpt., 92
 2004-12 - Reso. approving appt. to Elevator Examining Board, Tr. letter, 92, Adpt., 92
 2004-13 - Reso. approving appt. to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 115, Adpt., 116
 2004-14 - Reso. approving reappointments to Civil Service Commission of City of Roch., Tr. letter, 145, Adpt., 145
 2004-15 - Reso. of budgetary intent - NET evaluation, Tr. letter, 150, Adpt., 151
 2004-16 - Reso. approving 2004-05 debt limit for general municipal purposes, Tr. letter, 151, Adpt., 157
 2004-17 - Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 182, Adpt., 182
 2004-18 - Reso. approving appt. to City Planning Commission, Tr. letter, 182, Adpt., 183
 2004-19 - Reso. appointing member to High Falls Business Improvement District Board of Directors, Tr. letter, 227, Adpt., 227
 2004-20 - Reso. approving appointments to Cultural Ctr. Commission, Tr. letter, 232, Adpt., 232
 Reso. requesting Mayor to re-open negotiations with Monroe County Executive regarding move-in move-out inspections to include wipe tests, Tr. letter, 234, Held, 235
 2004-21 - Reso. approving appt. to Electrical Examining Board, Tr. letter, 267, Adpt., 268
 2004-22 - Reso. endorsing appl. to New York Main St. Program, Tr. letter, 298, Adpt., 299
 2004-23 - Reso. in support of Preserve America application, Tr. letter, 322, Adpt., 322
 2004-24 - Reso. establishing schedule for regular Council meetings during 2005, Tr. letter, 332, Adpt., 333
 2004-25 - Reso. establishing max. number of Commissioners of Deeds, Tr. letter, 378, Adpt., 378

RESPONSIBLE BIDDERS

Amend. Chapter 8A of Mun. Code with respect to responsible bidders, Tr. letter, 290, Pssd., 291

REVOLVING LOAN FUND PROGRAM

Auth. agree. with Neighborhood Housing Svcs., Tr. letter, 173, Pssd., 174

REXFORD PLACE AFFORDABLE HOUSING PROJECT

Approving property tax exemptions and auth.

in-lieu-of-tax agree. for Rexford Place Affordable Housing Proj., Tr. letter, 317, Pssd., 318

Auth. sale of real estate for Rexford Place Affordable Housing Proj., Tr. letter, 317, Pssd., 318

RHYTHM NIGHTS

Establishing max. comp. for professional svcs. agree. for Rhythm Nights concert series, Tr. letter, 96, Pssd., 96

RICHMOND, TOWN OF

Auth. agree. with Town of Richmond for sale of water, Tr. letter, 128, Pssd., 129

RIVER STREET

Approving amend. professional svcs. agree. for River St. Waterfront Pub. Improvement Proj., approp. funds and amend. Ord. No. 2002-49 and 2002-50, Tr. letter, 27, Pssd., 28

Approving need and auth. appl. for at-grade railroad crossings as part of River St. Waterfront Public Improvement Proj., Tr. letter, 27, Pssd., 28

Bond ord. auth. issuance of \$6,100,000 bonds to finance cost of certain imps. for River St. Waterfront Pub. Imp. Proj., Tr. letter, 306, Pssd. 308

Establishing max. comp. for professional svcs. agree. for River St. Waterfront Pub. Imp. Proj., Tr. letter, 306, Pssd., 308

Auth. acq. of easements and agree. for River St. Waterfront Pub. Imp. Proj., Tr. letter, 306, Pssd., 308

ROCHESTER AFTER SCHOOL ACADEMY PROGRAM

Auth. amend. agree. relating to Roch. After School Academy Program and amend. 2003-04 Budget, Tr. letter, 14, Pssd., 14

Auth. appl. and agree. relating to Roch. After School Academy II Program and amend. 2003-04 Budget, Tr. letter, 98, Pssd., 99

Auth. agree. relating to Roch. After School Academy Program, Tr. letter, 194, Pssd., 195

Auth. amend. agree. for RASA Program, Tr. letter, 257, Pssd., 258

Auth. amend. appl. and agree. relating to Roch. After School Academy I Program and amend. 2004-05 Budget, Tr. letter, 382, Held, 383

Auth. amend. appl. and agree. relating to Roch. After School Academy II Program and amend. 2004-05 Budget, Tr. letter, 283, Held, 383

ROCHESTER AREA COMMUNITY FOUNDATION

Auth. agree. for Human Svcs. Programs, Tr. letter, 269, Pssd., 270

Auth. agree. for Biz Kid\$ & Beyond Program and amend. 2004-05 Budget, Tr. letter, 326, Pssd., 327

ROCHESTER AREA INTERFAITH HOSPITALITY NETWORK

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

ROCHESTER BROADWAY THEATER LEAGUE

Auth. amend. agree. for East End Garage reserve fund, Tr. letter, 7, Pssd., 8

ROCHESTER COLONIAL MANUFACTURING CORPORATION

Auth. lease agree. for Police section offices, Tr. letter, 111, Pssd., 112

ROCHESTER ECONOMIC DEVELOPMENT

CORPORATION

Approving East Side Police Section lease and amend. 2004-05 Budget, Tr. letter, 311, Pssd., 312

ROCHESTER EFFECTIVENESS PARTNERSHIP PROJECT

Auth. agree. for Roch. Effectiveness Partnership Proj., Tr. letter, 17, Pssd., 17

ROCHESTER ENVIRONMENTAL COMMISSION

Reso. approving appt. to Roch. Environmental Commission, Tr. letter, 92, Adpt., 92

ROCHESTER EVENTS NETWORK

Establishing \$32,000 as max. comp. for professional svcs. agree. for "Party in the Park" concerts, Tr. letter, 14, Pssd., 15

Establishing max. comp. for professional svcs. agree. for Rhythm Nights concert series, Tr. letter, 96, Pssd., 96

ROCHESTER FATHERHOOD RESOURCE INITIATIVE

Auth. agree. for Human Svcs. Proj., Tr. letter, 52, Pssd., 53

Auth. agree. and approp. funds for Human Svcs. Proj., Tr. letter, 193, Pssd., 193

Amend. Ord. No. 2004-124 relating to Emergency Shelter Grant Program, Tr. letter, 271, Pssd., 271

ROCHESTER GENERAL HOSPITAL

Changing zoning class. of Roch. General Hospital from Institutional Planned Dev. District #11 to Planned Dev. District #6-Roch. General Hospital, Tr. letter, 240, Pub. hear., 227, Pssd., 240

Adopting requirements and standards for Planned Dev. District #6-Roch. General Hospital, Tr. letter, 240, Pub. hear., 227, Pssd., 242

ROCHESTER GRANTMAKERS FORUM

Auth. agree. for Roch. Effectiveness Partnership Proj., Tr. letter, 17, Pssd., 17

ROCHESTER HOUSING AUTHORITY

Approving wage and salary increases for employees of Roch. Housing Authority, Tr. letter, 258, Pssd., 258

Auth. agree. with Roch. Housing Auth. for refuse collection, Tr. letter, 275, Pssd., 276

ROCHESTER HOUSING DEVELOPMENT FUND CORPORATION

Amend. Ord. No. 2003-25 relating to rental housing proj., Tr. letter, 40, Pssd., 41

Auth. agree. for Asset Control Area Program, Tr. letter, 168, Pssd., 169

Auth. agree. for Home Roch. Program, Tr. letter, 335, Pssd., 335

Amend. Asset Control Area Business Plan and auth. agree., Tr. letter, 357, Pssd., 358

ROCHESTER ICE HOCKEY OFFICIALS, INC.

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 303, Pssd., 303

ROCHESTER LANDSCAPE TECHNICIANS

Auth. agree. for Biz Kid\$ & Beyond Program and amend. 2004-05 Budget, Tr. letter, 326, Pssd., 327

ROCHESTER-MONROE COUNTY YOUTH**BUREAU**

Approving applications, agree. and 2004 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 83, Pssd., 84

Approving amend. agree. and by-laws for Roch.-Monroe County Youth Bureau, Tr. letter, 365, Pssd., 366

ROCHESTER MUSEUM AND SCIENCE CENTER

Adopting requirements and standards for Planned Development District #4-Roch. Museum and Science Ctr., Tr. letter, 47, Pub. hear., 36, Pssd., 48

Changing zoning class. of 657 East Ave., 10 and 14-22 South Goodman St., 209 and 215 Oxford St. and 276-282 Park Ave. from Institutional Planned Development District #7 and 203 Oxford St. from R-3 High Density Residential to Planned Development District #4-Roch. Museum and Science Ctr., Tr. letter, 47, Pub. hear., 36, Pssd., 49

ROCHESTER MUSICFEST

Establishing max. comp. for agree. for 2005 MusicFest and amend. 2004-05 Budget, Tr. letter, 343, Pssd., 344

ROCHESTER PHILHARMONIC ORCHESTRA

Amend. proposed 2004-05 Budget in regard to Roch. Philharmonic Orchestra - \$25,000, Tr. letter, 148, Pssd., 148

Establishing max. comp. for professional svcs. agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 326, Pssd., 326

ROCHESTER PRESERVATION BOARD

Reso. approving reappointment to Roch. Preservation Board, Tr. letter, 41, Adpt., 41

ROCHESTER RECREATION SWIM TEAM

Amend. proposed 2004-05 Budget in regard to Roch. Recreation Swim Team - \$13,500, Tr. letter, 147, Pssd., 147

ROCHESTER RIVERFRONT PROPERTIES, L.P.

Approval of lease to Roch. Riverfront Properties, L.P. of Sub-Area I in Brooks Landing Urban Renewal Proj., Tr. letter, 51, Pub. hear., 36, Held, 52

ROCHESTER RIVERSIDE CONVENTION CENTER

Amend. 2003-04 Budget for Roch. Riverside Convention Ctr. Improvement, Tr. letter, 93, Pssd., 93

ROCHESTER SCHOOL FOR THE DEAF

Auth. appl. and agree. relating to Roch. After School Academy II Program and amend. 2003-04 Budget, Tr. letter, 98, Pssd., 99

ROCHESTER SCIENCE PARK

Amend. dev. concept plan for Roch. Science Park, MIPD District #2, to allow personal wireless communications facilities, Tr. letter, 323, Pub. hear., 316, Pssd., 323

ROCHESTER URBAN RENEWAL AGENCY

Approving lease by Roch. Urban Renewal Agency to Thyroff & Thyroff, LLC of Manhattan Sq. Tennis Bubble & Facility, Tr. letter, 131, Pub. hear., 112, Pssd., 131

ROCHESTER'S CHILD

Auth. agree. for Human Svs. Programs, Tr. letter, 269, Pssd., 270

RULES OF COUNCIL

Reso. Adpt. Rules of Council, Adpt., 1
Motion to amend Rules of Council to allow speakers to speak for 30 minutes on Int. No. 226 before Council votes on item, Failed, 139

RUNDEL PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

Changing zoning class. of 772-816 University Ave. and 158 & 160 Merriman St. from R-2 Medium Density Residential With O-O Overlay Office, and 721-785 University Ave., 31 & 32 Portsmouth Terrace, 127 Merriman St., 1 Oxford St. and 36 Rundel Park from R-2 Medium Density Residential to R-2 Medium Density Residential With O-B Overlay Boutique, Tr. letter, 362, Pub. hear., 353, Pssd., 364

RURAL/METRO MEDICAL SERVICES

Auth. agree. for collision repair svcs., Tr. letter, 78, Pssd., 78

-S-

SAFE KIDS PROJECT

Auth. agree. for Safe Kids Proj., Tr. letter, 143, Pssd., 143

SAFETY AND SECURITY FOR SENIORS

Auth. agree. for Human Svs. Programs, Tr. letter, 269, Pssd., 270

ST. MARTIN'S PLACE

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

ST. MICHAEL'S

Adopting requirements and standards for Planned Development District #5-St. Michael's, Tr. letter, 49, Pub. hear., 36, Pssd., 50

Changing zoning class. of 869 North Clinton Ave. and 355 Clifford Ave. from R-1 Low Density Residential and 873-877 and 885-891 North Clinton Ave. from C-2 Community Ctr. to Planned Development District #5-St. Michael's, Tr. letter, 49, Pub. hear., 36, Pssd., 51

SALARY

See "Wage and Salary"

SALVATION ARMY

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

SANTIAGO, GLADYS, VICE PRESIDENT

Reso. for nomination and selection of Vice President for Roch. City Council, Adpt., 1

Negative vote, amend Int. no. 167, p. 135; motion to amend Int. No. 227 with substitution of Int. No. 227L, p. 154; Motion to amend Int. No. 230 by substituting Int. No. 230A, p. 155; Motion to amend Int. No. 230 by substituting Int. No. 230B, p. 155; Int. No. 230B, p. 165

Amend. proposed 2004-05 Budget in regard to resources for Community Library - \$51,600, Tr. letter, 145, Pssd., 146

Amend. proposed 2004-05 Budget in regard to add. police recruits - \$137,500, Tr. letter, 146, Pssd., 147

Amend. proposed 2004-05 Budget in regard to dev. of Violence Against Women Ad Campaign - \$5,000, Tr. letter, 147, Pssd., 147

Amend. proposed 2004-05 Budget in regard to Wordcrafters Program - \$17,100, Tr. letter, 148, Pssd., 148

Abstained vote, Ord. No. 2004-232, p. 226; Move Int. No. 371 and 372 out of committee, p. 324; Amend. Int. No. 371, p. 324; Ord. No. 2004-350, p. 325; Ord. No. 2004-351, p. 325; Ord. No. 2004-364, p. 335; Ord. No. 2004-371, p. 343; Ord. No. 2004-396, p. 366

SAXTON STREET

Auth. property exchange for parking for Enrico Fermi School No. 17, Tr. letter, 318, Pssd., 319

SCHOOL ALLEY

Abandonment of School Alley from West Broad St. to its sound end and approving quit claim deed and easements, Tr. letter, 310, Pub. hear., 293, Pssd., 310

SCHOOL NO. 28 AFTER SCHOOL PROGRAM

Auth. agree. for School No. 28 After School Program, Tr. letter, 366, Pssd., 366

SCHWARTZ, MARK

Reso. approving appt. to Elevator Examining Board, Tr. letter, 92, Adpt., 92

SEAR BROWN GROUP

Establishing max. comp. for professional svcs. agree. for engineering design svcs. for South Ave. Garage Rehab. Proj., Tr. letter, 55, Pssd., 56

SECTOR 4 COMMUNITY DEVELOPMENT CORPORATION

Auth. agree. with Sector 4 Community Dev. Corp. for Sector Targeted Funding Initiative Program, Tr. letter, 297, Pssd., 298

Reso. endorsing appl. to New York Main St. Program, Tr. letter, 298, Adpt., 299

Auth. sale of real estate and amend. Ord. No. 2004-313, Tr. Letter, 323, Pssd., 325

SECTOR TARGETED FUNDING INITIATIVE PROGRAM

Auth. agree. with Sector 4 Community Dev. Corp. for Sector Targeted Funding Initiative Program, Tr. letter, 297, Pssd., 298

SECURITY

Auth. agree. for Port of Roch. Security/Intelligent Transportation System Proj. and approp. funds, Tr. letter, 279, Pssd., 280

SENECA PARKWAY

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

SEWERS

Bond ord. auth. issuance of \$71,000 bonds to finance cost of const. and reconstruction of certain sewer improvements related to Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 208

Bond ord. auth. issuance of \$200,000 bonds to finance cost of const. and reconstruction of certain sewer improvements related to West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 223

SIBLEY PLACE

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub.

hear., 37, Pssd., 60

SIDEWALKS

L.I.O. - street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2004 and expiring June 30, 2005, Tr. letter, 151, Pssd., 157

SIGMA DATA SYSTEMS

Establishing max. comp. for professional svcs. agree. for database training, Tr. letter, 288, Pssd., 289

SIGNAGE

Auth. agree. and approp. funds for Genesee Riverway Trail Signage Proj., Tr. letter, 77, Pssd., 78

SISTER CITIES GARAGE

Amend. Mun. Code with respect to fees for evening parking at Sister Cities Garage, Tr. letter, 309, Pssd., 309

Amend. Mun. Code with respect to fees for evening and weekend parking at parking garages, Tr. letter, 345, Pssd., 345

SITE IMPROVEMENTS

Auth. necessary agree. for site improvements for Newcroft Subdivision, Tr. letter, 262, Pssd., 263

SLATTERY, G. THOMAS

Auth. lease of 70 N. Washington St., Tr. letter, 91, Pssd., 91

SNOW REMOVAL

L.I.O. - Snow removal at Public Mkt., Tr. letter, 60, Pub. hear., 37, Pssd., 68

L.I.O. - street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2004 and expiring June 30, 2005, Tr. letter, 151, Pssd., 157

Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 275, Pssd., 275

SOCIETY FOR THE PROTECTION & CARE OF CHILDREN

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 16, Pssd., 16

Approving applications, agree. and 2004 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 83, Pssd., 84

Auth. agree. relating to Roch. After School Academy Program, Tr. letter, 194, Pssd., 195

SOFTBALL

Establishing max. comp. for professional svcs. agree. for Adult Softball Program and amend. 2003-04 Budget, Tr. letter, 15,

SOFTWARE

See "Computers"

SOJOURNER HOUSE

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

SOLICITORS

Amend. Chapter 62 of Mun. Code with respect to solicitors, Tr. letter, 373, Pssd., 374

SOUTH AVENUE

Auth. agree. and approp. funds for South Ave. Enhancement Proj., Tr. letter, 79, Pssd., 80

Reso. in support of appl. for funding for tree plantings along Byron St. and South Ave., Tr. letter,

79, Adpt., 80

L.I.O. - establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 120, Pub. hear., 112, Pssd., 121

Changing zoning class. of 406-408, 407, 415, 417, 420-422, 421-423, 426-430 and 429 South Ave. from C-2 Community Center, and 390, 394-398, 397-399, 400-404 and 401-405 South Ave. and 422-486 and 429-455 South Clinton Ave. from Center City (CCD)-Riverfront, to Center City (CCD)-Base, Tr. letter, 189, Pub. hear., 140, Pssd., 191

Approving decreases in pav. width of South Ave. as part of South Ave. Enhancement Proj. (Byron St.-Caroline St.), Tr. letter, 212, Pub. hear., 141, Pssd., 213

L.I.O. - Establishment of South/Alexander Open Space Special Assessment District, Tr. letter, 253, Pub. hear., 227, Returned to committee, 253, Pub. hear., 259, Pssd., 286

SOUTH AVENUE GARAGE

Establishing max. comp. for professional svcs. agree. for engineering design svcs. for South Ave. Garage Rehab. Proj., Tr. letter, 55, Pssd., 56

Bond ord. auth. issuance of \$310,000 bonds to finance cost of planning and implementing design of structural improvements to South Ave. Parking Garage, Tr. letter, 55, Pssd., 57

Auth. agree. for operation of South Ave. Parking Garage, Tr. letter, 80, Pssd., 82

Amend. Mun. Code with respect to fees for evening and weekend parking at parking garages, Tr. letter, 345, Pssd., 345

SOUTH CLINTON AVENUE

Changing zoning class. of 406-408, 407, 415, 417, 420-422, 421-423, 426-430 and 429 South Ave. from C-2 Community Center, and 390, 394-398, 397-399, 400-404 and 401-405 South Ave. and 422-486 and 429-455 South Clinton Ave. from Center City (CCD)-Riverfront, to Center City (CCD)-Base, Tr. letter, 189, Pub. hear., 140, Pssd., 191

SOUTH EAST AREA COALITION

Auth. agree. for Adopt-A-Block Program, Tr. letter, 78, Pssd., 79

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

SOUTH GOODMAN STREET

Changing zoning class. of 657 East Ave., 10 and 14-22 South Goodman St., 209 and 215 Oxford St. and 276-282 Park Ave. from Institutional Planned Development District #7 and 203 Oxford St. from R-3 High Density Residential to Planned Development District #4-Roch. Museum and Science Ctr., Tr. letter, 47, Pub. hear., 36, Pssd., 49

SOUTH PLYMOUTH AVENUE

Amend. Ord. No. 2002-368 relating to changes in pav. width of S. Plymouth Ave. and Bartlett St. and at intersection of S. Plymouth Ave. with Ford St. and Bartlett St., Tr. letter, 280, Pub. hear., 260, Pssd., 282

Bond ord. auth. issuance of \$1,600,000 bonds to finance cost of certain street improvements related to S. Plymouth Ave. Improvement Proj., Tr. letter, 280, Pssd., 283

Establishing max. comp. for professional svcs. agree. for S. Plymouth Ave. Public Improvement Proj. and approp. funds, Tr. letter, 280, Pssd., 284

Dedication of parcels to street purposes as part

of S. Plymouth Ave. Public Improvement Proj., Tr. letter, 280, Pub. hear., 260, Pssd., 284

SOUTH WEDGE PLANNING COMMITTEE

Reso. in support of appl. for funding for tree plantings along Byron St. and South Ave., Tr. letter, 79, Adpt., 80

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

Reso. endorsing appl. to New York Main St. Program, Tr. letter, 298, Adpt., 299

SOUTHEAST ECUMENICAL MINISTRY

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

SOUTHWEST AREA NEIGHBORHOOD ASSOCIATION

Auth. agree. for Adopt-A-Block Program, Tr. letter, 78, Pssd., 79

Auth. appl. and agree. relating to Roch. After School Academy II Program and amend. 2003-04 Budget, Tr. letter, 98, Pssd., 99

Auth. agree. for Adopt-A-Lot Program, approp. funds for Brown St. and amend. Ord. No. 2004-86 and 2003-04 Budget for Adopt-A-Block Program, Tr. letter, 99, Pssd., 100

Auth. agree. with neighborhood organizations for admin. of Residential Assistance Program, Tr. letter, 174, Pssd., 175

SPECIAL ASSESSMENT DISTRICT

L.I.O. - Establishment of South/Alexander Open Space Special Assessment District, Tr. letter, 253, Pub. hear., 227, Returned to committee, 253, Pub. hear., 259, Pssd., 286

SPIRITUS CHRISTI

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

STANTEC CONSULTING

Auth. agree. and approp. funds for Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 206

Auth. agree. for Brownfield Assistance Program, Tr. letter, 248, Pssd., 249

Auth. agree. for brownfield svcs. at 399 Gregory St., Tr. letter, 329, Pssd., 330

Establishing max. comp. for professional svcs. agree. for preliminary design svcs. for Norton St. Imp. Proj., Tr. letter, 369, Pssd., 369

STATE STREET

Establishing max. comp. for amend. professional svcs. agree. for State St. Underpass Improvement Proj., Tr. letter, 57, Pssd., 57

STEVENS, MARK

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 10, Adpt., 10

STEVENSON, ROBERT J., COUNCILMEMBER

Motion to amend., Int. No. 76, Adpt., 58

Negative vote, motion to return Int. No. 75 to committee, 64; motion to amend Int. No. 227 with substitution of Int. No. 227L, p. 154; Motion to amend Int. No. 230 by substituting Int. No. 230A, p. 155; Motion to amend Int. No. 230 by substituting Int. No. 230B, p. 155; Int. No. 230B, p. 165; Motion to discharge Int. No. 175 from committee,

p. 247

Amend. proposed 2004-05 Budget in regard to Roch. Recreation Swim Team - \$13,500, Tr. letter, 147, Pssd., 147

Amend. proposed 2004-05 Budget in regard to Maplewood Rose Festival - \$7,600, Tr. letter, 148, Pssd., 149

Presentation of petition submitted by residents of Roch. area opposing use of 56 Stutson St. as BBQ restaurant, 226

Motion to return Int. No. 278 to committee, Adpt., 253

Motion to discharge Int. No. 278 from committee, 285

Motion to amend Int. No. 278, p. 285

Amend. Chapter 62 of Mun. Code with respect to solicitors, Tr. letter, 373, Pssd., 374

STILLSON STREET

Approving change in traffic flow on Stillson St., from Main St. to Achilles St., from two-way to one-way southbound, Tr. letter, 25, Pub. hear., 5, Pssd., 26

STONE MOUNTAIN LASER, INC.

Establishing max. comp. for professional svcs. agree. for High Falls laser equipment., Tr. letter, 251, Pssd., 252

STOP DWI PROGRAM

Auth. agree. with County of Monroe for funding under 2005 STOP DWI Program, Tr. letter, 331, Pssd., 331

STOP VIOLENCE AGAINST WOMEN PROGRAM

Auth. appl. and agree. for STOP Violence Against Women program, Tr. letter, 108, Pssd., 108

STRATHALLAN HOTEL

Auth. agree. for appraisal svcs., Tr. letter, 257, Pssd., 257

STREET(S)

Amend. Ord. No. 2003-342, 2003-14 and 2003-195 to cancel taxes on parcels acq. for W. Ridge Rd. Improvement Proj., Tr. letter, 19, Pssd., 21

Auth. acq. by negotiation or condemnation of easements for W. Ridge Rd. Public Improvement Proj., Tr. letter, 19, Pssd., 21

Establishing max. comp. for amend. professional svcs. agree. for W. Ridge Rd. Improvement Proj. and approp. funds, Tr. letter, 19, Pssd., 21

Auth. acq. of parcels, amend. Ord. No. 2003-14 and approp. funds for W. Ridge Rd. Improvement Proj., Tr. letter, 19, Pssd., 22

Approving changes in traffic flow on Canary St., Lark St., Holmes St., Oriole St. and Finch St. and increase in pav. width of Lark St., Tr. letter, 22, Pub. hear., 5, Pssd., 24

Auth. acq. by negotiation or condemnation of permanent easements for W. Broad St. Pub. Improvement Proj., Tr. letter, 24, Pssd., 25

Approving increases in pav. width of Post Ave., Tr. letter, 25, Pub. hear., 5, Pssd., 25

Approving change in traffic flow on Stillson St., from Main St. to Achilles St., from two-way to one-way southbound, Tr. letter, 25, Pub. hear., 5, Pssd., 26

L.I.O. - Areaway abandonment at 316 E. Main St. and repair at 60 Liberty Pole Way as part of Achilles St. Improvement Proj., Tr. letter, 25, Pub. hear., 5, Pssd., 27

Naming of new streets previously dedicated at Port of Rochester by Ord. No. 2002-136 as Cor-

rigan St., N. River St. and Portside Dr., Tr. letter, 27, Pub. hear., 5, Pssd., 29

Dedication of Newcroft Park to street purposes, Tr. letter, 45, Pub. hear., 36, Pssd., 46

Auth. changes in pav. width of Columbia Ave. and Jefferson Ave. as part of Columbia Ave. Improvement Proj., Tr. letter, 62, Pub. hear., 37, Pssd., 62

Approving dedication of portions of 900 West Broad St. and 242-248 Jay St. to street purposes as part of West Broad St. Improvement Proj., Pub. hear., 65

Auth. agree. and approp. funds for South Ave. Enhancement Proj., Tr. letter, 79, Pssd., 80

Establishing max. comp. for professional svcs. agree. for Atlantic Ave. Improvement Proj., Tr. letter, 82, Pssd., 82

Bond ord. auth. issuance of \$2,887,000 bonds to finance reconstruction of certain streets related to St. Improvement Program, Tr. letter, 101, Pssd., 102

Bond ord. auth. issuance of \$710,000 bonds to finance reconstruction of various water mains related to St. Improvement Program, Tr. letter, 101, Pssd., 102

Approving change in traffic flow and decrease in pav. width of Birch Crescent, Tr. letter, 131, Pub. hear., 112, Pssd., 132

Approving change in traffic flow on Lind St. from one-way westbound to one-way eastbound, Tr. letter, 132, Pub. hear., 112, Pssd., 133

Approving decrease in pav. width of Fernwood Park, Tr. letter, 133, Pub. hear., 112, Pssd., 133

Auth. agree. and approp. funds for Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 206

Bond ord. Auth. issuance of \$754,000 bonds to finance cost of certain street improvements related to Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 206

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 209

Bond ord. auth. issuance of \$891,000 bonds to finance cost of certain street improvements related to Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 210

Bond ord. auth. issuance of \$60,000 bonds to finance cost of const. and reconstruction of certain sewer improvements related to Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 210

Bond ord. auth. issuance of \$413,000 bonds to finance reconstruction of various water mains related to Columbia Ave. Improvement Proj., Tr. letter, 208, Pssd., 212

Approving decreases in pav. width of South Ave. as part of South Ave. Enhancement Proj. (Byron St.-Caroline St.), Tr. letter, 212, Pub. hear., 141, Pssd., 213

Accepting responsibility for improvements as part of West Ridge Rd. Improvement Proj., Tr. letter, 213, Pssd., 214

Dedication and abandonment of parcels as part of West Ridge Rd. Pub. Improvement Proj., Tr. letter, 213, Pub. hear., 141, Pssd., 220

Approving dedication of portions of 900 West Broad St. and 242-248 Jay St. to street purposes as part of West Broad St. Pub. Imp. Proj., Tr. letter, 220, Pub. hear., 141, Pssd., 222

Bond ord. auth. issuance of \$1,715,000 bonds to finance cost of certain street improvements related to West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 222

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for West

Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 224

Bond ord. auth. issuance of \$70,000 bonds to finance add. cost of const. of street improvements in connection with Newcroft Subdivision Proj., Tr. letter, 262, Pssd., 264

Bond ord. auth. issuance of \$200,000 bonds to finance add. cost of const. and reconstruction of certain streets as part of Brooks Landing Street Improvements Proj., Tr. letter, 264, Pssd., 265

Amend. Ord. No. 2002-368 relating to changes in pav. width of S. Plymouth Ave. and Bartlett St. and at intersection of S. Plymouth Ave. with Ford St. and Bartlett St., Tr. letter, 280, Pub. hear., 260, Pssd., 282

Bond ord. auth. issuance of \$1,600,000 bonds to finance cost of certain street improvements related to S. Plymouth Ave. Improvement Proj., Tr. letter, 280, Pssd., 283

Establishing max. comp. for professional svcs. agree. for S. Plymouth Ave. Public Improvement Proj. and approp. funds, Tr. letter, 280, Pssd., 284

Dedication of parcels to street purposes as part of S. Plymouth Ave. Public Improvement Proj., Tr. letter, 280, Pub. hear., 260, Pssd., 284

Abandonment of portion of Bartlett St., Tr. letter, 280, Pub. hear., 260, Pssd., 285

Auth. agree. for West Ridge Rd. Pub. Imp. Proj. and approp. funds, Tr. letter, 303, Pssd., 304

Bond Ord. auth. issuance of \$715,000 bonds to finance cost of certain st.imps. related to West Ridge Rd. Pub. Imp. Proj., Tr. letter, 303, Pssd., 305

Auth. agree. for Lexington Ave. Pub. Imp. Proj., Tr. letter, 306, Pssd., 306

Abandonment of School Alley from West Broad St. to its sound end and approving quit claim deed and easements, Tr. letter, 310, Pub. hear., 293, Pssd., 310

Approving decrease in pav. width of Lake Ave. north of Donald St., Tr. letter, 348, Pub. hear., 333, Pssd., 348

Auth. agree. with respect to Mt. Hope Ave. and East Henrietta Rd. Pub. Imp. Proj., Tr. letter, 368, Pssd., 369

Establishing max. comp. for professional svcs. agree. for preliminary design svcs. for Norton St. Imp. Proj., Tr. letter, 369, Pssd., 369

STREET CLEANING

L.I.O. - street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2004 and expiring June 30, 2005, Tr. letter, 151, Pssd., 157

STREET IMPROVEMENT PROGRAM

Bond ord. auth. issuance of \$2,887,000 bonds to finance reconstruction of certain streets related to St. Improvement Program, Tr. letter, 101, Pssd., 102

Bond ord. auth. issuance of \$710,000 bonds to finance reconstruction of various water mains related to St. Improvement Program, Tr. letter, 101, Pssd., 102

STREET LIGHTING

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 104, Pub. hear., 88, Pssd., 104

STREET MALLS

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

STREETSCAPE

L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 106, Pub. hear., 88, Pssd., 106

Establishing max. comp. for professional svcs. agree. for W. Main St. Streetscape Proj., Tr. letter, 278, Pssd., 278

Bond ord. auth. issuance of \$90,000 bonds to finance cost of design of certain street related improvements for W. Main St. Streetscape Proj., Tr. letter, 278, Pssd., 279

STUTSON STREET

Auth. sale of 56 Stutson St., Tr. letter, 191, Held, 191, Pssd., 268

Petition submitted by residents of Roch. area opposing use of 56 Stutson St. as BBQ restaurant, presented by Councilmember Stevenson, 226

SULLIVAN STREET

Changing zoning class. of 804-888 North Clinton Ave. from C-2 Community Ctr., and 7, 11 and portion of 9 Sullivan St. from R-1 Low Density Residential, to La Marketa North Clinton Ave. Urban Renewal Distr., Tr. letter, 183, Pub. hear., 140, Pssd., 189

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Auth. appl. and agree. for 2004 Summer Food Service Program for Children, Tr. letter, 97, Pssd., 97

SUMNER PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

SWILLBURG NEIGHBORHOOD ASSOCIATION

Approving lease for office space for Swillburg Neighborhood Assn., Tr. letter, 322, Pssd., 323

SWIMMING

Amend. proposed 2004-05 Budget in regard to Roch. Recreation Swim Team - \$13,500, Tr. letter, 147, Pssd., 147

SYNOGRAPHICS

Auth. agree. and approp. funds for Genesee Riverway Trail Signage Proj., Tr. letter, 77, Pssd., 78

SYSTEMS DEVELOPMENT GROUP, INC.

Auth. agree. with respect to records management and amend. 2004-05 Budget, Tr. letter, 289, Pssd., 289

-T-

TALX UC EXPRESS

Establishing max. annual comp. for professional svcs. agree. for administration of unemployment insurance claims, Tr. letter, 143, Pssd., 143

TAXES

Amend. Ord. No. 2003-342, 2003-14 and 2003-195 to cancel taxes on parcels acq. for W. Ridge Rd. Improvement Proj., Tr. letter, 19, Pssd., 21

Auth. Dir. of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 29, Pssd., 30

Cancellation of taxes and charges, Tr. letter, 30, Pssd., 30; Tr. letter, 63, Pssd., 63; Tr. letter, 106, Pssd., 107; Tr. letter, 286, Pssd., 287; Tr. letter, 311, Pssd., 311; Tr. letter, 330, Pssd., 331; Tr. letter, 375,

Pssd., 375

Auth. sale of real estate and amend. Ord. No. 2003-28 relating to tax exemption for Providence Rental Housing Proj., Tr. letter, 40, Pssd., 41

Approving apportionment of taxes and charges, Tr. letter, 137, Pssd., 138

Levying Taxes for municipal purposes for fiscal year commencing July 1, 2004 and expiring June 30, 2005, Tr. letter, 151, Pssd., 155

Confirming assessments, amounts and charges to be inserted in annual tax rolls for fiscal year commencing July 1, 2004 and expiring June 30, 2005, Tr. letter, 151, Pssd., 155

Levying taxes for school purposes for fiscal year commencing July 1, 2004 and expiring June 30, 2005, Tr. letter, 151, Pssd., 156

Local Law amend. City Charter with respect to fees for foreclosure, Tr. letter, 151, Pssd., 163

Approving property tax exemption and auth. in-lieu-of-tax agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 299, Pssd., 301

Approving property tax exemptions and auth. in-lieu-of-tax agree. for Rexford Place Affordable Housing Proj., Tr. letter, 317, Pssd., 318

Approving property tax exemption and in-lieu-of-tax agree. for Parkview Apts., Tr. letter, 360, Pssd., 361

TAXICAB

Petition with 43 signatures opposing taxi changes in Taxicab Legislation, presented by President Giess, 65

Amend. Mun. Code with respect to taxicabs, Tr. letter, 69, Pssd., 73

Amend. Mun. Code with respect to taxicab fares, Tr. letter, 296, Pssd., 296

TECHNICAL ASSISTANCE SERVICES

Approving business programs, Tr. letter, 177, Pssd., 179

TEEN CITY SOUTHWEST

Auth. agree. for human svcs. proj., Tr. letter, 246, Pssd., 246

TEENS ON TRACK

Auth. agree. for Human Svcs. Programs, Tr. letter, 269, Pssd., 270

THOMAS AVENUE

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 13, Held, 13, Pub. hear., 65, Pssd., 73; Tr. letter, 336, Pssd., 336

THOMAS STREET

Approving acq. of parcels for Project Turn-around Challenged Street Program by negotiation or condemnation, Tr. letter, 119, Pub. hear., 112, Held, 119

THURSTON ROAD

Auth. sale of real estate, Tr. letter, 113, Held, 114

THYROFF & THYROFF, LLC

Approving lease by Roch. Urban Renewal Agency to Thyroff & Thyroff, LLC of Manhattan Sq. Tennis Bubble & Facility, Tr. letter, 131, Pub. hear., 112, Pssd., 131

TOGETHERNESS IN LOVE COMMUNITY

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

TOOL LENDING LIBRARY

Approp. funds and auth. agree. for Tool Lending Library Program, Tr. letter, 177, Pssd., 177

TRACS

Auth. appl. and agree. with respect to TraCS Proj. and amend. 2003-04 Budget, Tr. letter, 107, Pssd., 108

TRAFFIC FLOW CHANGES

See "Streets"

TRAILS

Auth. agree. and approp. funds for Genesee Riverway Trail Signage Proj., Tr. letter, 77, Pssd., 78

Bond ord. auth. issuance of \$70,000 bonds to finance cost of acq. of land and easements for const. of portion of Genesee Riverway Trail from Turning Point Park to Petten st., Tr. letter 346, Pssd., 348

Auth. acq. by negotiation or condemnation of fee and easements at 50 Hughes Place (a.k.a. 0 Petten St.) for Genesee Riverway Trail, Tr. letter, 346, Pub. hear., 333, Held, 348, Pssd., 373

Determinations and findings related to acq. of fee and easements at 50 Hughes Place (A.K.A. 0 Petten St.) for Genesee Riverway Trail Proj., Tr. letter, 372, Pssd., 372

TRANSYSTEMS CORPORATION

Establishing max. comp. for professional svcs. agree. with TranSystems Corp. for review of proposed business plan for Fast Ferry Proj. - \$30,000, Tr. letter, 361, Pssd., 362

TREES

Reso. in support of appl. for funding for tree plantings along Byron St. and South Ave., Tr. letter, 79, Adpt., 80

Establishing max. comp. for professional svcs. agree. for Driving Park/LaGrange/Newberry Beautification Proj., Tr. letter, 277, Pssd., 278

TRICKEY, JOHN T.

Approving lease of 399 Gregory St., Tr. letter, 335, Pssd., 336

TRITECH ENVIRONMENTAL HEALTH AND SAFETY

Auth. agree. for Brownfield Assistance Program, Tr. letter, 248, Pssd., 249

TROWBRIDGE & WOLF, LLP

Establishing max. comp. for professional svcs. agree. for Driving Park/LaGrange/Newberry Beautification Proj., Tr. letter, 277, Pssd., 278

TURNER ENGINEERING

Establishing max. comp. for professional svcs. agree. for new community room at Lyell Branch Library, Tr. letter, 320, Pssd., 321

TUTORING

Auth. amend. 2002-03 and 2003-04 Community Dev. Program Plans, approp. funds for School #34 Tutoring Program and amend. Ord. No. 2003-10, Tr. letter, 75, Pub. hear., 65, Pssd., 76

Approp. funds for School #34 tutoring program, Tr. letter, 332, Pssd., 332

-U-

UNDERAGE TOBACCO ENFORCEMENT

Auth. agree. with respect to Underage Tobacco Enforcement, Tr. letter, 287, Pssd., 287

UNDERCOFLER, JAMES

Reso. approving appointments to Cultural Ctr. Commission, Tr. letter, 232, Adpt., 232

UNEMPLOYMENT INSURANCE

Establishing max. annual comp. for professional svcs. agree. for administration of unemployment insurance claims, Tr. letter, 143, Pssd., 143

UNITED STATES

Reso. in support of Preserve America application, Tr. letter, 322, Adpt., 322

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

Auth. grant agree. and amend. 2003-04 Budget of Roch. Fire Dept., Tr. letter, 64, Pssd., 64

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Auth. appl. and agree. relating to Housing Opportunities for Persons With Aids Program and amend. ord., Tr. letter, 68, Pssd., 69

Auth. submission of Consolidated Community Dev. Plan/2004-05 Action Plan and execution of grant agreement with U.S. Dept. of Housing and Urban Dev., Tr. letter, 121, Pub. hear., 112, Pssd., 122

Amend. Asset Control Area Business Plan and auth. agree., Tr. letter, 357, Pssd., 358

UNITED STATES DEPARTMENT OF JUSTICE

Auth. appl. and agree. for Local Law Enforcement Block Grant Program, Tr. letter, 254, Pssd., 255

Approving Weed & Seed Program, Tr. letter, 379, Pssd., 379

UNITED WAY

Auth. agree. for Human Svcs. Programs, Tr. letter, 269, Pssd., 270

UNIVERSITY AVENUE

Changing zoning class. of 772-816 University Ave. and 158 & 160 Merriman St. from R-2 Medium Density Residential With O-O Overlay Office, and 721-785 University Ave., 31 & 32 Portsmouth Terrace, 127 Merriman St., 1 Oxford St. and 36 Rundel Park from R-2 Medium Density Residential to R-2 Medium Density Residential With O-B Overlay Boutique, Tr. letter, 362, Pub. hear., 353, Pssd., 364

UP ALL NIGHT

Establishing \$32,000 as max. comp. for professional svcs. agree. for "Party in the Park" concerts, Tr. letter, 14, Pssd., 15

Establishing max. comp. for professional svcs. agree. for Rhythm Nights concert series, Tr. letter, 96, Pssd., 96

URBAN DEVELOPMENT ACTION GRANT

Auth. restructuring of UDAG loan for Olde Rochesterville Proj., Tr. letter, 8, Pssd., 9

URBAN FORESTRY MANAGEMENT PLAN

Authorizing applications and agree. for Urban Forestry Management Plan and amend. 2003-04 Budget, Tr. letter, 201, Pssd., 202

URBAN LEAGUE OF ROCHESTER ECONOMIC DEVELOPMENT CORPORATION

Auth. agree. for Home Store, Tr. letter, 171, Pssd., 171

Auth. agree. for housing dev. svcs., Tr. letter, 171,

Pssd., 172

URBAN LEAGUE OF ROCHESTER, INC.

Auth. agree. for Adolescent Pregnancy Prevention Svs. Program, Tr. letter, 16, Pssd., 16

Amend. Ord. No. 2004-12 relating to Adolescent Pregnancy Prevention Program, Tr. letter, 271, Pssd., 271

URBAN RENEWAL

Approving sale of 923-925 and 927 Genesee St. in Brooks Landing Urban Renewal Proj., Tr. letter, 44, Pssd., 45

Approval of lease to Roch. Riverfront Properties, L.P. of Sub-Area I in Brooks Landing Urban Renewal Proj., Tr. letter, 51, Pub. hear., 36, Held, 52

Approving urban renewal plan for La Marketa North Clinton Ave. Urban Renewal Proj., Tr. letter, 183, Pub. hear., 140, Pssd., 187

Auth. acq. by negotiation or condemnation of 64 North Washington St. to further Cascade Area Urban Renewal Plan, Tr. letter, 242, Pub. hear., 227, Held, 243, Pssd., 267

Auth. sale of 64 and 70 North Washington St. to further Cascade Area Urban Renewal Plan, Tr. letter, 242, Held, 243, Pssd., 267

Bond ord. auth. issuance of \$236,000 bonds to finance cost of acq. of realty within Cascade Urban Renewal Area, Tr. letter, 242, Held, 244, Pssd., 267

-V-

VERMEULEN, ALLISON, LVT

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 138, Held, 138

VERONA PLAYGROUND

Bond ord. auth. issuance of \$400,000 bonds to finance cost of Fourth and Peck Park, Farmington Park and Verona Playground Improvement Proj., Tr. letter, 103, Pssd., 104

VETERAN'S OUTREACH CENTER

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

VETERINARY SERVICES

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 138, Held, 138

Establishing max. comp. for amend. professional svcs. agree. for veterinary svcs., Tr. letter, 350, Pssd., 350

VIOLENCE AGAINST WOMEN AD CAMPAIGN

Amend. proposed 2004-05 Budget in regard to dev. of Violence Against Women Ad Campaign - \$5,000, Tr. letter, 147, Pssd., 147

VITALE, RICK

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 10, Adpt., 10

VOLUNTEERS OF AMERICA

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

VOYAGER BOAT SALES, INC.

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 13, Held, 13, Pub. hear., 65, Pssd., 73; Tr. letter, 336, Pssd., 336

VOYAGER SYSTEMS, INC.

Establishing max. comp. for professional svcs. agree. for modifications to the Police Records System, Tr. letter, 256, Pssd., 256

-W-

WADSWORTH SQUARE

Auth. agree. for operation of Washington Sq. Garage and Wadsworth Sq. Parking Lot, Tr. letter, 19, Pssd., 19

L.I.O. - establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 120, Pub. hear., 112, Pssd., 121

WAGE AND SALARY

Approving wage and salary increases for employees of Roch. Housing Authority, Tr. letter, 258, Pssd., 258

WAR MEMORIAL

See "Blue Cross Arena at the War Memorial"

WASHINGTON SQUARE GARAGE

Auth. agree. for operation of Washington Sq. Garage and Wadsworth Sq. Parking Lot, Tr. letter, 19, Pssd., 19

Amend. Mun. Code with respect to fees for evening and weekend parking at parking garages, Tr. letter, 345, Pssd., 345

WATER

Bond ord. auth. issuance of \$710,000 bonds to finance reconstruction of various water mains related to St. Improvement Program, Tr. letter, 101, Pssd., 102

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 128, Pssd., 128

Auth. agree. with Town of Richmond for sale of water, Tr. letter, 128, Pssd., 129

Establishing max. comp. for professional svcs. agree. for design and inspection of replacement of water supply conduit and amend. Ord. No. 2003-56 and 2003-57 relating to Lake Ave. Improvement Proj., Tr. letter, 129, Pssd., 130

Bond ord. auth. issuance of \$650,000 bonds to finance cost of design and inspection of replacement of City water supply conduits, Tr. letter, 129, Pssd., 130

Amend. Mun. Code with respect to water rates, Tr. letter, 151, Pssd., 159

Approp. funds and auth. agree. for water service replacement, Tr. letter, 175, Pssd., 176

Bond ord. auth. issuance of \$582,000 bonds to finance reconstruction of various water mains related to Lexington Ave. Improvement Proj., Tr. letter, 204, Pssd., 207

Bond ord. auth. issuance of \$522,000 bonds to finance reconstruction of various water mains related to West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 224

Auth. agree. with MCWA for water testing svcs., Tr. letter, 250, Pssd., 250

Auth. extension of agree. for water automation system svcs., Tr. letter, 250, Pssd., 251

Establishing max. comp. for professional svcs. agree. for Conduit Modernization Proj., Tr. letter, 272, Pssd., 273

Bond ord. auth. issuance of \$530,000 bonds to finance cost of design and inspection of Cathodic

Protection Program for City water supply conduits, Tr. letter, 272, Pssd., 274

Bond ord. auth. issuance of \$400,000 bonds to finance cost of replacement of City water supply conduits, Tr. letter, 272, Pssd., 274

Bond ord. auth. issuance of \$436,000 bonds to finance reconstruction of various water mains related to West Ridge Rd. Pub. Imp. Proj., Tr. letter, 303, Pssd., 306

Amend. Mun. Code with respect to water rates, Tr. letter, 367, Pssd., 368

WATER WORKS OPERATIONS CENTER

Establishing max. comp. for amend. professional svcs. agree. for new Water Works Operations Ctr., Tr. letter, 54, Pssd., 54

Bond ord. auth. issuance of \$1,300,000 bonds to finance add. cost of planning and implementing design of and constr. of new City Operations Center Bldg., Tr. letter, 54, Pssd., 55

Bond ord. auth. issuance of \$940,000 bonds to finance additional cost of environmental clean-up at Bureau of Water & Lighting site at 10 Felix St., Tr. letter, 369, Pssd., 371

WEED & SEED PROGRAM

Approving Weed & Seed Program, Tr. letter, 379, Pssd., 379

WELLINGTON AVENUE

Amend. ord. relating to relating to sale of real estate, Tr. letter, 323, Pssd., 325

WERNER PARK

L.I.O. - Care and embellishment of var. neighborhood street malls for 2004-05, Tr. letter, 59, Pub. hear., 37, Pssd., 60

WEST BROAD STREET

Auth. acq. by negotiation or condemnation of permanent easements for W. Broad St. Pub. Improvement Proj., Tr. letter, 24, Pssd., 25

Approving dedication of portions of 900 West Broad St. and 242-248 Jay St. to street purposes as part of West Broad St. Improvement Proj., Pub. hear., 65

Approving dedication of portions of 900 West Broad St. and 242-248 Jay St. to street purposes as part of West Broad St. Pub. Imp. Proj., Tr. letter, 220, Pub. hear., 141, Pssd., 222

Bond ord. auth. issuance of \$1,715,000 bonds to finance cost of certain street improvements related to West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 222

Bond ord. auth. issuance of \$200,000 bonds to finance cost of const. and reconstruction of certain sewer improvements related to West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 223

Bond ord. auth. issuance of \$522,000 bonds to finance reconstruction of various water mains related to West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 224

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for West Broad St. Pub. Improvement Proj., Tr. letter, 220, Pssd., 224

Auth. agree. for brownfield svcs. at 935 West Broad St., Tr. letter, 328, Pssd., 329

WEST MAIN STREET

Establishing max. comp. for professional svcs. agree. for W. Main St. Streetscape Proj., Tr. letter, 278, Pssd., 278

Bond ord. auth. issuance of \$90,000 bonds to finance cost of design of certain street related

improvements for W. Main St. Streetscape Proj., Tr. letter, 278, Pssd., 279

WEST RIDGE ROAD

Amend. Ord. No. 2003-342, 2003-14 and 2003-195 to cancel taxes on parcels acq. for W. Ridge Rd. Improvement Proj., Tr. letter, 19, Pssd., 21

Auth. acq. by negotiation or condemnation of easements for W. Ridge Rd. Public Improvement Proj., Tr. letter, 19, Pssd., 21

Establishing max. comp. for amend. professional svcs. agree. for W. Ridge Rd. Improvement Proj. and approp. funds, Tr. letter, 19, Pssd., 21

Auth. acq. of parcels, amend. Ord. No. 2003-14 and approp. funds for W. Ridge Rd. Improvement Proj., Tr. letter, 19, Pssd., 22

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. and approp. funds for West Ridge Rd. Improvement Proj., Tr. letter, 57, Pssd., 58

Accepting responsibility for improvements as part of West Ridge Rd. Improvement Proj., Tr. letter, 213, Pssd., 214

Dedication and abandonment of parcels as part of West Ridge Rd. Pub. Improvement Proj., Tr. letter, 213, Pub. hear., 141, Pssd., 220

Auth. agree. for West Ridge Rd. Pub. Imp. Proj. and approp. funds, Tr. letter, 303, Pssd., 304

Bond ord. auth. issuance of \$715,000 bonds to finance cost of certain st. imps. related to West Ridge Rd. Pub. Imp. Proj., Tr. letter, 303, Pssd., 305

Bond ord. auth. issuance of \$436,000 bonds to finance reconstruction of various water mains related to West Ridge Rd. Pub. Imp. Proj., Tr. letter, 303, Pssd., 306

WHITCOMB, ANDREA

Establishing max. comp. for professional svcs. agree. for continuation of "Greta Program", Tr. letter, 198, Pssd., 198

WHITING, ROBERT

Auth. agree. for harbor master and for War Memorial oversight and amend. 2004-05 Budget, Tr. letter, 249, Pssd., 250

WILLOUGHBY, AIMEE

Establishing max. comp. for amend. professional svcs. agree. for veterinary svcs., Tr. letter, 350, Pssd., 350

WILSON BOULEVARD

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 104, Pub. hear., 88, Pssd., 104

WILSON COMMENCEMENT PARK

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

WIRELESS COMMUNICATIONS

Amend. dev. concept plan for Roch. Science Park, MIPD District #2, to allow personal wireless communications facilities, Tr. letter, 323, Pub. hear., 316, Pssd., 323

WOODSIDE/GOODWILL

L.I.O. - establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 120, Pub. hear., 112, Pssd., 121

WORDCRAFTERS PROGRAM

Amend. proposed 2004-05 Budget in regard to

Wordcrafters Program - \$17,100, Tr. letter, 148, Pssd., 148

Establishing max. comp. for professional svcs. agree. with Writers & Books, Inc. for Wordcrafter Program, Tr. letter, 32, Pssd., 342

WOWK, NIKOLAUS

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 10, Adpt., 10

WRITERS & BOOKS, INC.

Establishing max. comp. for professional svcs. agree. with Writers & Books, Inc. for Wordcrafter Program, Tr. letter, 32, Pssd., 342

-X-

(No Entries)

-Y-

YMCA OF GREATER ROCHESTER

Auth. agree. and approp. funds for Human Svcs. Proj., Tr. letter, 193, Pssd., 193; Tr. letter, 246, Pssd., 246

Auth. agree. for Human Svcs. Programs, Tr. letter, 269, Pssd., 270

YWCA OF ROCHESTER & MONROE COUNTY

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 16, Pssd., 16

Auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2003-124, Tr. letter, 116, Pssd., 118

YOUNG EXPLOSIVES

Establishing max. comp. for professional svcs. agree. for fireworks, Tr. letter, 199, Pssd., 199

YOUTH CADDY PROGRAM

Approp. funds and amend. 2003-04 Budget for Locust Hill Country Club Youth Caddie Program, Tr. letter, 96, Pssd., 97

YOUTH ENTREPRENEURSHIP & CULTURAL PERFORMANCE PROGRAM

Auth. agree. for housing dev. support, Tr. letter, 172, Pssd., 173

YOUTH VIOLENCE STRIKE FORCE

Amend. 2004-05 Budget with respect to Youth Violence Strike Force, Tr. letter, 315, Pssd., 315

-Z-

ZAMOT, LUIS

Reso. approving reappointments to Civil Service Commission of City of Roch., Tr. letter, 145, Adpt., 145

ZONING BOARD OF APPEALS

Reso. approving appt. to Zoning Board of Appeals, Tr. letter, 182, Adpt., 182

ZONING CHANGES

Changing zoning class. of 4-8 N. Goodman St. and 610, 630 and 666 East Ave. from Institutional Planned Dev. #16 to R-3 High Density Residential, Tr. letter, 12, Pub. hear., 5, 13

Changing zoning class. of 657 East Ave., 10 and 14-22 South Goodman St., 209 and 215 Oxford St. and 276-282 Park Ave. from Institutional Planned Development District #7 and 203 Oxford St. from R-3 High Density Residential to

Planned Development District #4-Roch. Museum and Science Ctr., Tr. letter, 47, Pub. hear., 36, Pssd., 49

Changing zoning class. of 869 North Clinton Ave. and 355 Clifford Ave. from R-1 Low Density Residential and 873-877 and 885-891 North Clinton Ave. from C-2 Community Ctr. to Planned Development District #5-St. Michael's, Tr. letter, 49, Pub. hear., 36, Pssd., 51

Changing zoning class. of 804-888 North Clinton Ave. from C-2 Community Ctr., and 7, 11 and portion of 9 Sullivan St. from R-1 Low Density Residential, to La Marketa North Clinton Ave. Urban Renewal Distr., Tr. letter, 183, Pub. hear., 140, Pssd., 189

Changing zoning class. of 406-408, 407, 415, 417, 420-422, 421-423, 426-430 and 429 South Ave. from C-2 Community Center, and 390, 394-398, 397-399, 400-404 and 401-405 South Ave. and 422-486 and 429-455 South Clinton Ave. from Center City (CCD)-Riverfront, to Center City (CCD)-Base, Tr. letter, 189, Pub. hear., 140, Pssd., 191

Changing zoning class. of Roch. General Hospital from Institutional Planned Dev. District #11 to Planned Dev. District #6-Roch. General Hospital, Tr. letter, 240, Pub. hear., 227, Pssd., 240

Changing zoning class. of 753-781 Emerson St. from R-1 Low Density Residential to M-1 Industrial, Tr. letter, 268, Pub. hear., 259, Held, 269, Pssd., 301

Changing zoning class. of 772-816 University Ave. and 158 & 160 Merriman St. from R-2 Medium Density Residential With O-O Overlay Office, and 721-785 University Ave., 31 & 32 Portsmouth Terrace, 127 Merriman St., 1 Oxford St. and 36 Rundel Park from R-2 Medium Density Residential to R-2 Medium Density Residential With O-B Overlay Boutique, Tr. letter, 362, Pub. hear., 353, Pssd., 364

ZONING CODE

Adopting requirements and standards for Planned Development District #4-Roch. Museum and Science Ctr., Tr. letter, 47, Pub. hear., 36, Pssd., 48

Adopting requirements and standards for Planned Development District #5-St. Michael's, Tr. letter, 49, Pub. hear., 36, Pssd., 50

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for La Marketa North Clinton Ave. Urban Renewal Proj., Tr. letter, 183, Pub. hear., 140, Pssd., 188

Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 235, Pub. hear., 227, Pssd., 240

Adopting requirements and standards for Planned Dev. District #6-Roch. General Hospital, Tr. letter, 240, Pub. hear., 227, Pssd., 242

ZONING DIRECTOR, COMMUNICATIONS FROM

Notices of environmental determination, 65; 140; 226; 259; 316

